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DEMOSTHENES

PRIVATE ORATIONS

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# DEMOSTHENES

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## PRIVATE ORATIONS

WITH AN ENGLISH TRANSLATION BY

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IN THREE VOLUMES

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## CONTENTS

	PAGE
GENERAL INTRODUCTION . . . . .	vii
BIBLIOGRAPHY . . . . .	x
TABLE OF ATHENIAN MONEY . . . . .	xi
AGAINST APHOBUS—	
I. Introduction . . . . .	2
Text and Translation . . . . .	6
II. Introduction . . . . .	57
Text and Translation . . . . .	60
III. Introduction . . . . .	80
Text and Translation . . . . .	82
AGAINST ONETOR, AN EJECTMENT SUIT—	
I. Introduction . . . . .	127
Text and Translation . . . . .	128
II. Introduction . . . . .	159
Text and Translation . . . . .	160
PLEA OF DEMO AGAINST ZENOTHEMIS, A SPECIAL PLEA—	
Introduction . . . . .	175
Text and Translation . . . . .	178

# CONTENTS

PAGE

AN UNKNOWN PLEADER AGAINST APATORIUS, A SPECIAL PLEA—	
Introduction . . . . .	200
Text and Translation . . . . .	202
THE PLEA OF CHRYSIPPUS AND HIS PARTNER AGAINST PHORMIO IN THE MATTER OF A LOAN—	
Introduction . . . . .	233
Text and Translation . . . . .	236
ANDROCLES AGAINST LACRITUS IN REPLY TO THE LATTER'S SPECIAL PLEA—	
Introduction . . . . .	276
Text and Translation . . . . .	278
A FRIEND PLEADING FOR PHORMIO, A SPECIAL PLEA—	
Introduction . . . . .	319
Text and Translation . . . . .	322
NICOBULUS AGAINST PANTAENETUS, A SPECIAL PLEA—	
Introduction . . . . .	371
Text and Translation . . . . .	374
ONE OF THE SONS OF ARISTAECHEMUS AGAINST NAUSIMACHUS AND XENOPEITHES, A SPECIAL PLEA—	
Introduction . . . . .	418
Text and Translation . . . . .	420
MANTITHEUS AGAINST BOEOTUS—	
I. Introduction . . . . .	444
Text and Translation . . . . .	448
II. Introduction . . . . .	480
Text and Translation . . . . .	482

## GENERAL INTRODUCTION

A SKETCH of the life of Demosthenes has already been presented in an earlier volume of this series, and adequate information has been given regarding his public activities and his work as statesman and orator. A few remarks will, however, be here in place regarding the speeches delivered in private law-suits, of which upwards of thirty have come down to us in the Demosthenic corpus.

These are of high interest not only to the student of ancient oratory, but to all who seek to know ancient Greek life. They deal, not with statecraft, nor with political affairs, but with business-contracts, bankers' loans, suits over inheritances, and other such matters ; and they throw a flood of light on the daily life of mercantile Athens in the fourth century B.C. Some of them are models of forensic pleading, clear and precise in their statements of fact and cogent in their reasoning ; and if they sometimes offend against modern canons of good taste by stooping to personal vituperation, this is explained by the circumstances attending their delivery. In ancient Athens the plaintiff appeared before the court to plead in person ; he was not represented by counsel, though he was permitted to have friends to assist him. Personal feeling therefore sometimes ran high, and naturally found ready expression. Moreover the court was

## INTRODUCTION

made up of people like the speaker, drawn by lot from the ranks of his fellow-citizens. They, as well as he, loved a sharp retort, a pointed argument,—even what may at times seem to us to be subtle quibbling ; and they were not averse to hearing appeals to their own interests. That the juries were so large—501 was a usual number for the jurymen—was an element tending naturally in the same direction.

The brief introduction prefixed to each oration is intended to give the reader sufficient information regarding the matters leading up to the suit in which the speech was delivered to make it easy for him to follow the argument. It has seemed unwise to enter into a detailed discussion of the vexed problems of authenticity, as these must in the nature of the case depend for their solution upon matters with which only specialists can deal, and with which the general reader has little concern. It is enough to state that most at least of the speeches may safely be accepted as genuine in the sense that they were composed for delivery in a court of law, whether or not they can be proved to have been written by Demosthenes ; and of not a few it may be affirmed with certainty that they come to us from his hand. References to the discussions of this question in the standard works of Schaefer and Blass are given as an aid to those who wish to study it more closely.

The text given in this edition is that of Blass (Teubner) with only minor changes. These have been noted under the text, save that words bracketed by Blass have often been omitted entirely, or else the brackets have been removed to avoid disfigurement of the page.

Brief notes have been added in explanation of  
viii

## INTRODUCTION

points regarding which the reader may desire more help than is afforded by the text ; but it has seemed wiser not to burden the volume with an elaborate discussion of Athenian legal procedure. The manuals in which adequate information regarding this is readily available are mentioned in the brief bibliography.

The translator desires to express his sense of indebtedness to the translations of Kennedy and Dareste, and to the edition of *Select Private Orations of Demosthenes* by Paley and Sandys.

PALO ALTO, CALIFORNIA,  
*September 1935*

A. T. M.

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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 this volume 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 APHOBUS

I

## INTRODUCTION

DEMOSTHENES, the father of the orator, left at his death a considerable estate, which, as appears from this oration, included the following items :

	Talents	Minae
32 or 33 slaves engaged in sword-making, and 22 in making sofas (?) . . . . .	3	50
Materials on hand in the two factories . . . . .	2	30
A dwelling-house . . . . .	...	30
Furniture, jewels, etc. . . . .	1	40
Money loaned at 12 per cent . . . . .	1	...
Money loaned on bottomry contract . . . . .	1	10
Money loaned without interest . . . . .	1	...
Cash . . . . .	1	20
Money in Pasion's bank . . . . .	...	24
Money in Pylades' bank . . . . .	...	6
Money in Demomeles' bank . . . . .	...	16
	13	46

He left a widow and two children : a son (the orator) aged seven, and a daughter, aged five. By his will he appointed as guardians of his children and trustees of his estate Aphobus and Demophon, both nephews of his, and Therippides, an old friend. The terms of the will provided that Aphobus should marry the widow and receive with her eighty minae as her marriage-portion : that Demophon should receive a bequest of two talents on condition that he should marry the daughter when she came to marriageable

## AGAINST APHOBUS, I

age : and that Therippides was to receive the interest of seventy minae until the boy should come of age. The balance of the estate was to be invested, and both principal and accumulated profits were to become the property of the son, Demosthenes, when he should attain his majority.

We learn from this oration that the guardians showed the most reckless disregard of the instructions given them by the testator. They at once appropriated their own legacies—without, however, complying with the terms of the will,—and instead of investing the residue of the estate in the interest of the heir, they appropriated it to their own use, and squandered it, so that when Demosthenes completed his seventeenth year he found that the residue of the estate amounted to less than one-tenth of the amount left by his father, whereas by careful management it might have doubled or even trebled in value. The property actually turned over to him consisted merely of the house, fourteen slaves, and thirty minae in money, representing, as he puts it, a total value of only seventy minae.

Under these circumstances Demosthenes sought the aid of the courts, and as Athenian law required him to appear in person, it was necessary for him to prepare himself for a task which must have seemed formidable, if not almost hopeless. He was but a youth, unversed in the technicalities of Attic law, and without experience in pleading, while his adversaries were men of wealth and experience, unscrupulous enough, as their past actions had shown, to avail themselves of every possible trick and artifice to prevent their being forced to disgorge their ill-gotten gains. Demosthenes, therefore, sought the aid of

## DEMOSTHENES

the orator Isaeus, whose wide knowledge of law and wide experience in dealing with inheritance cases, made him perhaps the best qualified man in Athens to give him the help he needed. He spent two years in study under Isaeus, and then, feeling himself in a position to deal adequately with the complicated problem before him, instituted three separate suits against the three guardians. This was in 364 B.C. in the archonship of Timocrates. The suit against Aphobus was pressed immediately. Those against Demophon and Therippides were postponed to await the outcome of the first, and appear never to have been tried. They may well have been compromised after the judgement given against Aphobus.

It would appear that before the suit came to trial Aphobus agreed with Demosthenes to settle the matter by arbitration. The case was to be submitted to three private arbitrators; but, according to Demosthenes' statements, Aphobus, through fear that their decision would be against him, withdrew his consent.

When finally the case was brought before the archon it was referred to one of the official arbitrators, and his decision was given against Aphobus, who then appealed to a jury. Even after this he sought to quash the whole matter by a trick which the peculiar system of financing public projects in vogue at Athens made possible. He induced a certain friend of his, named Thrasylochus, to demand of Demosthenes that he assume the trierarchy or else exchange properties with him.<sup>a</sup> In the expectation that it

<sup>a</sup> This process, called *ἀντίδοσις*, was open to any Athenian citizen chosen by the tax-company (*συμμορία*) to perform one of the public services (trierarchy, choregia, etc.) imposed

## AGAINST APHOBUS, I

would be impossible for Demosthenes to do anything but accept the exchange, he had prepared a release for the guardians from the impending actions. Demosthenes met this by raising sufficient funds (20 minae) and accepting the trierarchy (see the Oration against Meidias, §§ 78 ff.).

The trial was decided in Demosthenes' favour, and the damages were assessed at ten talents, the amount claimed by the plaintiff, which sum was one-third of the total loss suffered by him. For the other two-thirds Demophon and Therippides were regarded as responsible.

The two following orations against Aphobus and the two against Onetor tell us of further difficulties which Demosthenes had to meet in seeking to collect the sum awarded him. What amount he actually recovered is not known, but we learn from Plutarch that it was but a small part of the entire estate. (Plut. *Vit. Dem.* 6.)

The first two orations against Aphobus are discussed in Schaefer, i. pp. 261 ff., and Blass, iii. pp. 226 ff.

upon wealthy citizens. If the man in question claimed that another, regarded by him as more wealthy than himself, should with more justice be required to assume this burden, he had the right to demand of that other that he do so, or else exchange properties with him.

# ΔΗΜΟΣΘΕΝΟΥΣ

## XXVII

### ΚΑΤ' ΑΦΟΒΟΥ ΕΠΙΤΡΟΠΗΣ

#### A

- [813] Εἰ μὲν ἐβούλετ' Ἄφοβος, ὧ ἄνδρες δικασταί, τὰ δίκαια ποιεῖν, ἢ περὶ ὧν διαφερόμεθα τοῖς οἰκείοις ἐπιτρέπειν, οὐδὲν ἂν ἔδει δικῶν οὐδὲ πραγμάτων· ἀπέχρη γὰρ ἂν τοῖς ὑπ' ἐκείνων γνώσθεισιν ἐμμένειν, ὥστε μηδεμίαν ἡμῖν εἶναι πρὸς τοῦτον διαφορὰν. ἐπειδὴ δ' οὗτος τοὺς μὲν σαφῶς εἰδότας τὰ ἡμέτερ' ἔφυγε μηδὲν διαγνῶναι περὶ αὐτῶν, εἰς δ' ὑμᾶς τοὺς οὐδὲν τῶν ἡμετέρων ἀκριβῶς ἐπισταμένους ἐλήλυθεν, ἀνάγκη ἐστὶν ἐν ὑμῖν παρ' αὐτοῦ
- 2 πειρᾶσθαι τῶν δικαίων τυγχάνειν. οἶδα μὲν οὖν, ὧ ἄνδρες δικασταί, ὅτι πρὸς ἄνδρας καὶ λέγειν ἱκανοὺς καὶ παρασκευάσασθαι δυναμένους χαλεπὸν ἐστὶν εἰς ἀγῶνα καθίστασθαι περὶ τῶν ὄντων ἀπάντων, ἄπειρον ὄντα παντάπασι πραγμάτων διὰ τὴν ἡλικίαν· ὅμως δέ, καίπερ πολὺ τούτων καταδέεστερος ὢν, πολλὰς ἐλπίδας ἔχω καὶ παρ' ὑμῖν τεύξεσθαι τῶν δικαίων, καὶ μέχρι γε τοῦ τὰ γεγεννημένα διεξελθεῖν καὶ αὐτὸς ἀρκούντως ἐρεῖν, ὥσθ' ὑμᾶς μὴτ' ἀπολειφθῆναι τῶν πραγμάτων μηδὲ
- [814] καθ' ἓν, μὴτ' ἀγνοῆσαι περὶ ὧν δεήσει τὴν ψῆφον

# DEMOSTHENES

## XXVII

### AGAINST APHOBUS, IN REGARD TO HIS GUARDIANSHIP

#### I

IF Aphobus, men of the jury, had been willing to do what is fair, or to submit the matters in dispute between us to the arbitration of friends, there would be no occasion for a troublesome lawsuit ; for I should have been satisfied to abide by their decision, and we should have had no controversy with him. Since, however, he has refused to let those well acquainted with our affairs give a decision, and has come before you, who have no accurate knowledge of them, it must be in your court that I try to win from him what is my due. I know well, men of the jury, that it is a hard task to enter into a contest in which all my fortune is at stake with men who are able speakers and clever in preparing their case, while I because of my youth am wholly without experience in affairs. Yet nevertheless, although they have every advantage over me, I have strong hopes that I shall obtain justice in your court, and that, as far at least as relating the facts, I shall myself speak well enough to ensure that not a single detail shall escape you, and that you will not be in the dark regarding the matters concerning which you are to cast your vote. I beg 3

## DEMOSTHENES

3 ἐνεγκεῖν. δέομαι δ' ὑμῶν, ὦ ἄνδρες δικασταί, μετ' εὐνοίας τ' ἀκοῦσαί μου, κὰν ἡδικῆσθαι δοκῶ, βοηθῆσαί μοι τὰ δίκαια. ποιήσομαι δ' ὡς ἂν δύνωμαι διὰ βραχυτάτων τοὺς λόγους. ὅθεν οὖν ῥᾶστα μαθήσεσθε περὶ αὐτῶν, ἐντεῦθεν ὑμᾶς καὶ ἐγὼ πρῶτον πειράσομαι διδάσκειν.

4 Δημοσθένης γὰρ οὐμὸς πατήρ, ὦ ἄνδρες δικασταί, κατέλιπεν οὐσίαν μὲν σχεδὸν τεττάρων καὶ δέκα τάλαντων, ἐμὲ δ' ἑπτ' ἑτῶν ὄντα καὶ τὴν ἀδελφὴν πέντε, ἔτι δὲ τὴν ἡμετέραν μητέρα πεντήκοντα μνᾶς εἰς τὸν οἶκον εἰσηνεγμένην. βουλευσάμενος δὲ περὶ ἡμῶν, ὅτ' ἔμελλε τελευτᾶν, ἅπαντα ταῦτ' ἐνεχείρισεν Ἀφόβῳ τε τουτωί καὶ Δημοφῶντι τῷ Δήμωνος υἱεῖ, τούτοις μὲν ἀδελφιδοῖν ὄντοι, τῷ μὲν ἐξ ἀδελφοῦ, τῷ δ' ἐξ ἀδελφῆς γεγονότοι, ἔτι δὲ Θηριππίδῃ τῷ Παιανιεῖ, γένει μὲν οὐδὲν προσ-

5 ἤκοντι, φίλῳ δ' ἐκ παιδὸς ὑπάρχοντι. κακείνῳ μὲν ἔδωκεν ἐκ τῶν ἐμῶν ἐβδομήκοντα μνᾶς καρπώσασθαι τοσοῦτον χρόνον, ἕως ἐγὼ ἀνὴρ εἶναι δοκιμασθεῖην, ὅπως μὴ δι' ἐπιθυμίαν χρημάτων χεῖρόν τι τῶν ἐμῶν διοικήσειε· Δημοφῶντι δὲ τὴν ἐμὴν ἀδελφὴν καὶ δύο τάλαντ' εὐθὺς ἔδωκεν ἔχειν, αὐτῷ δὲ τούτῳ τὴν μητέρα τὴν ἡμετέραν, καὶ προῖκά τ' ὀγδοήκοντα μνᾶς, καὶ τὴν οἰκίαν οἰκεῖν καὶ σκεύεσι χρῆσθαι τοῖς ἐμοῖς, ἡγούμενος, καὶ τούτους ἔτ' οἰκειότερους εἶ μοι ποιήσειεν, οὐκ ἂν χεῖρόν μ' ἐπιτροπευθῆναι ταύτης τῆς οἰκειότητος προσγενο-

6 μένης. λαβόντες δ' οὗτοι ταῦτα πρῶτον σφίσιν αὐτοῖς ἐκ τῶν χρημάτων, καὶ τὴν ἄλλην οὐσίαν

[815] ἅπασαν διαχειρίσαντες, καὶ δέκ' ἔτη ἡμᾶς ἐπι-



## AGAINST APHOBUS, I. 3-6

of you, men of the jury, to give me a favourable hearing, and, if you judge that I have been wronged, to render me the aid which is my due. I shall make my speech as brief as possible, and shall begin by endeavouring to inform you of the facts from which you will most readily understand the case.

Demosthenes, my father, men of the jury, left at 4 his death an estate of nearly fourteen talents, a son, myself, aged seven, and my sister, aged five, and his widow, our mother, who had brought him a fortune of fifty minae. He had taken thought for our welfare, and, when he was about to die, put all this property in the hands of the defendant, Aphobus, and Demophon, son of Demo, nephews of his, one by his brother, the other by his sister, and of Therippides of Paeania,<sup>a</sup> who was not a relative, but had been his friend from boyhood. To Therippides he gave 5 the interest on seventy minae of my property, to be enjoyed by him until I should come of age,<sup>b</sup> in order that avarice might not tempt him to mismanage my affairs. To Demophon he gave my sister with a dowry of two talents, to be paid at once, and to the defendant himself he gave our mother with a dowry of eighty minae, and the right to use my house and furniture. His thought was that, if he should unite these men to me by still closer ties, they would look after my interests the better because of this added bond of kinship. But these men, who took at once their 6 own legacies from the estate, and as my guardians administered all the remainder for ten years, have

<sup>a</sup> Paeania was a deme of the tribe Pandionis.

<sup>b</sup> At Athens a youth, on reaching the age of eighteen, was, after an official examination (*δοκιμασία*), duly entered on the list of the members of his tribe, and assumed the status and the duties of a citizen.

## DEMOSTHENES

τροπεύσαντες, τὰ μὲν ἄλλα πάντ' ἀπεστερήκασι, τὴν οἰκίαν δὲ καὶ ἀνδράποδα τέτταρα καὶ δέκα καὶ ἄργυρίου μνᾶς τριάκοντα, μάλιστα σύμπαντα ταῦτ' εἰς ἑβδομήκοντα μνᾶς παραδεδώκασιν. καὶ τὸ μὲν κεφάλαιον τῶν ἀδικημάτων, ὡς ἂν συντομώτατ' εἴποι τις, τοῦτ' ἔστιν, ὧ ἄνδρες δικασταί· τὸ δὲ πλήθος τῆς οὐσίας ὅτι τοῦτ' ἦν τὸ καταλειφθέν, μέγιστοι μὲν αὐτοὶ μάρτυρές μοι γεγόνασιν· εἰς γὰρ τὴν συμμορίαν ὑπὲρ ἐμοῦ συνετάξαντο κατὰ τὰς πέντε καὶ εἴκοσι μνᾶς πεντακοσίας δραχμᾶς εἰσφέρειν, ὅσον περ Τιμόθεος ὁ Κόνωνος καὶ οἱ τὰ μέγιστα κεκτημένοι τιμήματ' εἰσέφερον· δεῖ δὲ καὶ καθ' ἕκαστον ὑμᾶς ἀκοῦσαι τά τ' ἐνεργὰ αὐτῶν καὶ ὅσ' ἦν ἀργὰ καὶ ὅσον ἦν ἄξι' ἕκαστα. ταῦτα γὰρ μαθόντες ἀκριβῶς εἴσεσθε, ὅτι τῶν πώποτ' ἐπιτροπευσάντων οὐδένες ἀναιδέστερον οὐδὲ περιφανέστερον ἢ οὗτοι τὰ ἡμέτερα διηρπάκασιν. πρῶτον μὲν οὖν ὡς συνετιμήσανθ' ὑπὲρ ἐμοῦ ταύτην τὴν εἰσφορὰν εἰς τὴν συμμορίαν, παρέξομαι τούτων μάρτυρας, ἔπειθ'<sup>1</sup> ὅτι οὐ πένητα κατέλιπέ μ' ὁ πατήρ οὐδ' ἑβδομήκοντα μνῶν οὐσίαν κεκτημένον, ἀλλὰ τοσαύτην, ὅσην οὐδ' αὐτοὶ οὗτοι ἀποκρύψασθαι διὰ τὸ μέγεθος πρὸς τὴν πόλιν ἐδυνήθησαν.

Καί μοι ἀναγίγνωσκε λαβὼν ταύτην τὴν μαρτυρίαν.

<sup>1</sup> ἔπειθ' ] ἴν' εἰδήθ' Blass.

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<sup>a</sup> Each of the ten Athenian tribes selected one hundred and twenty men as their richest members. These twelve hundred men were divided into twenty groups of sixty each (called *συμμορίαι*), and from them certain men were designated to bear the burdens of public service (the trierarchy, choregia, etc.) and of the special property-tax imposed in time of need.

## AGAINST APHOBUS, I. 6-8

robbed me of my entire fortune except the house, and fourteen slaves and thirty silver minae, which they have handed over to me—amounting in all to about seventy minae. This, men of the jury, to put it as 7 briefly as possible, is a summing up of the wrongs they have done me. But of the fact that the amount of property left by my father was as much as I have stated these men themselves have proved the most convincing witnesses, for in the tax-company<sup>a</sup> they agreed on my behalf to a tax of five hundred drachmae on every twenty-five minae<sup>b</sup>—a tax equal to that paid by Timotheüs, son of Conon,<sup>c</sup> and those possessing the largest fortunes. However, I had better inform you in detail what portions of the property were producing a profit and what were unproductive, and what were their respective values ; for when you have accurate information regarding these matters, you will know that of all who have ever acted as trustees none have so shamelessly and so openly plundered an estate as these men have plundered ours. I shall produce witnesses to prove, first, that in 8 the tax-company they agreed on my behalf to be taxed to the amount which I have stated, and, next, that my father did not leave me a poor man, nor one possessing an estate of merely seventy minae. On the contrary, my estate was so considerable that these men were themselves unable to hide its value from the state.

Take,<sup>d</sup> please, and read this deposition.

<sup>b</sup> This was a tax of 20 per cent of the man's entire property, and was the maximum.

<sup>c</sup> Timotheüs was one of the leading citizens of Athens. His father, Conon, was the famous general who in 395 had destroyed the Lacedæmonian fleet at Cnidus.

<sup>d</sup> These words were addressed to the clerk of the court.

# DEMOSTHENES

## ΜΑΡΤΥΡΙΑ

- 9 Δῆλον μὲν τοίνυν καὶ ἐκ τούτων ἐστὶ τὸ πλῆθος  
 [816] τῆς οὐσίας. πεντεκαίδεκα τάλαντων γὰρ τρία τά-  
 λαντα τίμημα· ταύτην ἡξιούν εισφέρειν τὴν εἰσ-  
 φοράν. ἔτι δ' ἀκριβέστερον εἴσεσθε τὴν οὐσίαν  
 αὐτὴν ἀκούσαντες. ὁ γὰρ πατήρ, ὦ ἄνδρες δικασταί,  
 κατέλιπε δὴ ἔργαστήρια τέχνης οὐ μικρᾶς ἐκά-  
 τερον, μαχαιροποιούς μὲν τριάκοντα καὶ δὴ ἢ τρεῖς,  
 ἀνὰ πέντε μνᾶς καὶ ἕξ, τοὺς δ' οὐκ ἐλάττονος ἢ  
 τριῶν μνῶν ἀξιούς, ἀφ' ὧν τριάκοντα μνᾶς ἀτελεῖς  
 ἐλάμβανε τοῦ ἐνιαυτοῦ τὴν πρόσοδον, κλινοποιούς  
 δ' εἴκοσι τὸν ἀριθμόν, τετταράκοντα μνῶν ὑποκει-  
 μένους, οἱ δώδεκα μνᾶς ἀτελεῖς αὐτῷ προσέφερον,  
 ἀργυρίου δ' εἰς τάλαντον ἐπὶ δραχμῇ δεδανεισμένον,  
 οὗ τόκος ἐγίγνετο τοῦ ἐνιαυτοῦ ἐκάστου πλεῖν ἢ  
 10 ἑπτὰ μναί. καὶ ταῦτα μὲν ἐνεργὰ κατέλιπεν, ὡς  
 καὶ αὐτοὶ οὗτοι ὁμολογήσουσιν· ὧν γίγνεται τοῦ  
 μὲν ἀρχαίου κεφάλαιον τέτταρα τάλαντα καὶ πεν-  
 τακισχίλια, τὸ δ' ἔργον αὐτῶν πεντήκοντα μναί  
 τοῦ ἐνιαυτοῦ ἐκάστου. χωρὶς δὲ τούτων ἐλέφαντα  
 μὲν καὶ σίδηρον, ὃν κατειργάζοντο, καὶ ξύλα κλίνει'  
 εἰς ὀγδοήκοντα μνᾶς ἄξια, κηκίδα δὲ καὶ χαλκὸν  
 ἑβδομήκοντα μνῶν ἐωνημένα, ἔτι δ' οἰκίαν τρις-  
 χιλίων, ἔπιπλα δὲ καὶ ἐκπώματα καὶ χρυσία καὶ  
 ἱμάτια, τὸν κόσμον τῆς μητρὸς, ἄξια σύμπαντα  
 ταῦτ' εἰς μυρίας δραχμάς, ἀργυρίου δ' ἔνδον ὀγ-  
 11 δοήκοντα μνᾶς. καὶ ταῦτα μὲν οἴκοι κατέλιπε  
 πάντα, ναυτικὰ δ' ἑβδομήκοντα μνᾶς, ἔκδοσιν παρὰ

<sup>a</sup> A drachma, that is, on each mina. This (12 per cent) was the normal rate of interest on well-secured loans.

## AGAINST APHOBUS, I. 9-11

### THE DEPOSITION

From this evidence it is clear what the value of the 9  
property was. Three talents is the tax on an estate  
of fifteen, and this tax they saw fit to pay. But you  
will see this more clearly if you hear what the property  
was. My father, men of the jury, left two factories,  
both doing a large business. One was a sword-  
manufactory, employing thirty-two or thirty-three  
slaves, most of them worth five or six minae each and  
none worth less than three minae. From these my  
father received a clear income of thirty minae each  
year. The other was a sofa-manufactory, employing  
twenty slaves, given to my father as security for a  
debt of forty minae. These brought him in a clear  
income of twelve minae. In money he left as much  
as a talent, loaned at the rate of a drachma a month,<sup>a</sup>  
the interest of which amounted to more than seven  
minae a year. This was the amount of productive 10  
capital which my father left, as these men will them-  
selves admit, the principal amounting to four talents  
and five thousand drachmae,<sup>b</sup> and the proceeds to  
fifty minae each year. Besides this, he left ivory and  
iron, used in the factory, and wood for sofas, worth  
about eighty minae ; and gall <sup>c</sup> and copper, which he  
had bought for seventy minae ; furthermore, a house  
worth three thousand drachmae, and furniture and  
plate, and my mother's jewelry and apparel and orna-  
ments, worth in all ten thousand drachmae, and  
in the house eighty minae in silver. To these sums 11  
left by him at home we must add seventy minae,

<sup>b</sup> In mercantile affairs the Greeks often preferred to reckon in thousands of drachmae instead of tens of minae.

<sup>c</sup> This was obtained from the oak-apple and was used for staining wood or ivory.

## DEMOSTHENES

Ξούθῳ, τετρακοσίας δὲ καὶ δισχιλίας ἐπὶ τῇ τραπέζῃ τῇ Πασίωνος, ἑξακοσίας δ' ἐπὶ τῇ Πυλάδου, [817] παρὰ Δημομέλει δὲ τῷ Δήμωνος υἱεὶ χιλίας καὶ ἑξακοσίας, κατὰ διακοσίας δὲ καὶ τριακοσίας ὁμοῦ τι τάλαντον διακεχρημένον. καὶ τούτων αὖ τῶν χρημάτων τὸ κεφάλαιον πλέον ἢ ὀκτὼ τάλαντα καὶ πεντήκοντα μναὶ γίνονται. συμπάντων δ' εἰς τέτταρα καὶ δέκα τάλανθ' εὐρήσετε σκοποῦντες.

12 Καὶ τὸ μὲν πλῆθος τῆς οὐσίας τοῦτ' ἦν τὸ καταλειφθέν, ὧ ἄνδρες δικασταί. ὅσα δ' αὐτῆς διακέκλεπται καὶ ὅσ' ἰδία θ' ἕκαστος εἴληφε καὶ ὅποσα κοινῇ πάντες ἀποστεροῦσιν, οὐκ ἐνδέχεται πρὸς ταῦτ' ὕδωρ εἰπεῖν, ἀλλ' ἀνάγκη χωρὶς ἕκαστον διελεῖν ἐστίν. ἃ μὲν οὖν Δημοφῶν ἢ Θηριππίδης ἔχουσι τῶν ἐμῶν, τότ' ἐξαρκέσει περὶ αὐτῶν εἰπεῖν, ὅταν κατ' αὐτῶν τὰς γραφὰς ἀπενέγκωμεν· ἃ δὲ τοῦτον ἔχοντ' ἐξελέγχουσιν ἐκεῖνοι καὶ ἔγωγ' οἶδ' αὐτὸν εἰληφότα, περὶ τούτων ἤδη ποιήσομαι τοὺς λόγους πρὸς ὑμᾶς. πρῶτον μὲν οὖν ὡς ἔχει τὴν προῖκα, τὰς ὀγδοήκοντα μνᾶς, τοῦθ' ὑμῖν ἐπιδείξω, μετὰ δὲ ταῦτα καὶ περὶ τῶν ἄλλων, ὡς ἂν δύνωμαι διὰ βραχυτάτων.

13 Οὗτος γὰρ εὐθύς μετὰ τὸν τοῦ πατρὸς θάνατον ᾤκει τὴν οἰκίαν εἰσελθὼν κατὰ τὴν ἐκείνου διαθήκην, καὶ λαμβάνει τὰ τε χρυσία τῆς μητρὸς καὶ τὰ ἐκπώματα τὰ καταλειφθέντα. καὶ ταῦτα μὲν ὡς εἰς πεντήκοντα μνᾶς εἶχεν, ἔτι δὲ τῶν ἀνδραπόδων τῶν πιπρασκομένων παρὰ τε Θηριππίδου καὶ Δημοφῶντος τὰς τιμὰς ἐλάμβανεν, ἕως ἀν-

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<sup>a</sup> Strictly, thirteen talents and forty-six minae; see the Introduction.

## AGAINST APHOBUS, I. 11-13

a maritime loan to Xuthus; twenty-four hundred drachmae in the bank of Pasion, six hundred in that of Pylades, sixteen hundred in the hands of Demomeles, son of Demon, and about a talent loaned without interest in sums of two hundred or three hundred drachmae. The total of these last sums amounts to more than eight talents and fifty minae, and the whole taken together you will find on examination to come to about fourteen talents.<sup>a</sup>

This, then, men of the jury, was the amount of 12 property left by my father. How much of it has been squandered, how much they have severally taken, and of how much they have jointly robbed me, it is impossible to tell in the time <sup>b</sup> allotted to one plea. I must discuss each one of these questions separately. I pass over the question as to what property of mine Demophon or Therippides are holding. It will be time enough to discuss this when I bring in my accusations against them. I shall speak to you now of the defendant and shall state what his colleagues prove that he has in his hands, and what I know he has taken. In the first place I shall show that he has the marriage-portion, the eighty minae, and after that shall take up the other matters and discuss them with the utmost brevity.

Immediately after my father's death the defendant 13 came and dwelt in the house according to the terms of the will, and took possession of my mother's jewels and the plate. In these he received the equivalent of about fifty minae. Furthermore, he received from Therippides and Demophon the proceeds of the sale of the slaves until he had made up the full amount of

<sup>b</sup> Literally, "water," the time allotted to each speaker being measured by a water-clock.

## DEMOSTHENES

- 14 ἐπληρώσατο τὴν προῖκα, τὰς ὀγδοήκοντα μνᾶς. καὶ ἐπειδὴ εἶχεν, ἐκπλεῖν μέλλων εἰς Κέρκυραν τριήραρχος, ἀπέγραψε ταῦτα πρὸς Θηριππίδην ἔχονθ' [818] ἑαυτὸν καὶ ὠμολόγει κεκομίσθαι τὴν προῖκα. καὶ πρῶτον μὲν τούτων Δημοφῶν καὶ Θηριππίδης, οἱ τούτου συνεπίτροποι, μάρτυρές εἰσιν· ἔτι δὲ καὶ ὡς αὐτὸς ὠμολόγει ταῦτ' ἔχειν, Δημοχάρης θ' ὁ Λευκονοεύς, ὁ τὴν τηθίδα τὴν ἐμὴν ἔχων, καὶ ἄλλοι
- 15 πολλοὶ μάρτυρες γεγόνασιν. οὐ γὰρ διδόντος τούτου σῖτον τῇ μητρί, τὴν δὲ προῖκ' ἔχοντος, οὐδὲ τὸν οἶκον μισθοῦν ἐθέλοντος, ἀλλὰ μετὰ τῶν ἄλλων ἐπιτρόπων διαχειρίζειν ἀξιούντος, ἐποιήσατο λόγους περὶ τούτων ὁ Δημοχάρης. οὗτος δ' ἀκούσας οὔτ' ἠμφεσβήτησε μὴ ἔχειν,<sup>1</sup> οὔτε χαλεπῶς ἠνεγκεν ὡς οὐκ εἰληφώς, ἀλλ' ὠμολόγει καὶ τι μικρὸν ἔφη πρὸς τὴν ἐμὴν μητέρα περὶ χρυσιδίων ἀντιλέγεσθαι· τοῦτ' οὖν διευκρινησάμενος, καὶ περὶ τῆς τροφῆς καὶ περὶ τῶν ἄλλων ποιήσειν οὕτως ὥστ' ἔχειν μοι πάντα
- 16 καλῶς. καίτοι εἰ φανήσεται πρὸς τε τὸν Δημοχάρη ταῦθ' ὠμολογηκῶς καὶ πρὸς τοὺς ἄλλους οἱ παρήσαν, παρά τε τοῦ Δημοφῶντος καὶ τοῦ Θηριππίδου τῶν ἀνδραπόδων εἰς τὴν προῖκα τὰς τιμὰς εἰληφώς, αὐτὸς θ' ἑαυτὸν ἔχειν τὴν προῖκ' ἀπογράψας πρὸς τοὺς συνεπιτρόπους, οἰκῶν τε τὴν οἰκίαν ἐπειδὴ τάχιστ' ἐτελεύτησεν ὁ πατήρ, πῶς οὐκ ἐκ πάντων ὁμολογουμένου τοῦ πράγματος εὔρεθήσεται φανερώς τὴν προῖκα, τὰς ὀγδοήκοντα

<sup>1</sup> ἔχειν] σχεῖν Blass.

<sup>a</sup> That is, in command of a trireme which he had himself equipped for service.



the marriage-portion, eighty minae; and after getting 14  
 this, when he was about to set sail for Coreyra as  
 trierarch,<sup>a</sup> he sent Therippides a written acknowledge-  
 ment that he had these sums in his possession, and  
 admitted that he had received the marriage-portion.  
 Of these matters Demophon and Therippides, his co-  
 trustees, are witnesses, and, besides this, his own  
 acknowledgement of having received these moneys is  
 attested by Demochares, of Leuconion,<sup>b</sup> who is the  
 husband of my aunt, and by many other witnesses.  
 For when it proved that Aphobus, though he had her 15  
 fortune, would not maintain my mother, and refused  
 to let the property, choosing rather to administer it  
 himself in conjunction with the other guardians,  
 Demochares remonstrated with him about the matter;  
 and Aphobus, when he had heard him, neither denied  
 that he had the money nor waxed indignant as one  
 who had received nothing, but admitted the fact, and  
 said that he was having a little dispute with my  
 mother about her jewels, and that, when he had  
 settled this matter, he would act regarding the main-  
 tenance and all else in such a way that I should have  
 no ground for complaint. Yet, if it be shown that 16  
 he made these admissions before Demochares and the  
 others who were present; that he received from  
 Demophon and Therippides the money accruing from  
 the sale of the slaves in part settlement of the  
 marriage portion; that he gave to his co-trustees a  
 written acknowledgement that he had received the  
 portion; and that he occupied the house immediately  
 after the death of my father; will it not be clear—  
 the matter being admitted by everybody—that he  
 has received the portion, the eighty minae, and that

<sup>b</sup> Leuconion, or Leuconoë, was a deme of the tribe Leontis.

## DEMOSTHENES

μνᾶς, κεκομισμένος, καὶ λίαν ἀναιδῶς μὴ λαβεῖν ἐξαρνούμενος;

17 Ἄλλὰ μὴν ὡς ἀληθῆ λέγω, λαβὲ τὰς μαρτυρίας καὶ ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑΙ

Τὴν μὲν τοίνυν προῖκα τοῦτον τὸν τρόπον ἔχει λαβῶν. μὴ γήμαντος δ' αὐτοῦ τὴν μητέρα τὴν ἐμὴν, ὁ μὲν νόμος κελεύει τὴν προῖκ' ὀφείλειν ἐπ' ἐννέ' ὀβολοῖς, ἐγὼ δ' ἐπὶ δραχμῇ μόνον τίθημι.

[819] γίγνεται δ', ἐάν τις συντιθῆ τό τ' ἀρχαῖον καὶ τὸ  
18 ἔργον τῶν δέκ' ἐτῶν, μάλιστα τρία τάλαντα. καὶ ταῦτα μὲν οὕτως ὑμῖν ἐπιδείκνυμι λαβόντα καὶ ἔχειν ὁμολογήσαντα μαρτύρων ἐναντίον τοσούτων· ἄλλας τοίνυν ἔχει τριάκοντα μνᾶς, τοῦ ἐργαστηρίου λαβῶν τὴν πρόσοδον, καὶ ἀναισχυντότατ' ἀνθρώπων ἀποστερεῖν ἐπικεχειρήκεν. ἐμοὶ δ' ὁ πατήρ καταέλιπε τριάκοντα μνᾶς ἀπ' αὐτῶν τὴν πρόσοδον· ἀποδομένων δὲ τούτων τὰ ἡμίσεια τῶν ἀνδραπόδων, πεντεκαίδεκά μοι μνᾶς γίγνεσθαι κατὰ λόγον προσ-

19 ἦκεν. Θηριππίδης μὲν οὖν ἔπτ' ἔτη τῶν ἀνδραπόδων ἐπιμεληθεὶς ἔνδεκα μνᾶς τοῦ ἐνιαυτοῦ ἀπέφηνε, τέτταρσι μναῖς καθ' ἕκαστον ἐνιαυτὸν ἔλαττον ἢ ὅσον προσῆκε λογιζόμενος. οὗτος δὲ δὺ' ἔτη τὰ πρῶτ' ἐπιμεληθεὶς οὐδ' ὀτιοῦν ἀποδείκνυσιν, ἀλλ' ἐνίοτε μὲν φησὶν ἀργῆσαι τὸ ἐργαστήριον, ἐνίοτε δ' ὡς αὐτὸς μὲν οὐκ ἐπεμελήθη τούτων, ὁ δ' ἐπίτροπος Μιλύας, ὁ ἀπελεύθερος ὁ ἡμέτερος, διώκησεν αὐτά, καὶ παρ' ἐκείνου μοι προσῆκει λόγον λαβεῖν. ἂν οὖν καὶ νῦν εἴπη τινα τούτων τῶν λόγων, ραδίως ἐλεγχθήσεται ψευδός-

20 μενος. ἂν μὲν οὖν ἀργὸν φῆ γενέσθαι, λόγον αὐτὸς

<sup>a</sup> That is, at 18 per cent.

his denial of having received it is a piece of shameless impudence ?

To prove that what I say is true, take and read <sup>17</sup> the depositions.

THE DEPOSITIONS

The dowry, then, he got in this way, and kept. But in the event of his not marrying my mother the law declares that he owes me the amount of the dowry with interest at nine obols a month.<sup>a</sup> However, I set it down at a drachma a month only. This comes, if one adds the principle and the interest for ten years, to about three talents. This money I have thus shown <sup>18</sup> you that he received and that he confessed in the presence of a host of witnesses that he had it. Then he has also in his possession thirty minae besides, which he received as the revenue from the factory, and of which he has tried to defraud me in the most shameless manner possible. My father left me a revenue of thirty minae accruing from the factory ; and after the sale by these men of one-half of the slaves, I should receive the proportionate sum of fifteen minae. Therippides, however, who had charge of the slaves <sup>19</sup> for seven years, has submitted an account of eleven minae a year, four minae a year less than it should have been ; and the defendant who had charge of the business at the first for two years shows no profit whatever, but says sometimes that the factory was idle, and sometimes that he was not himself the manager, but that the foreman, Milyas, a freedman of ours, had charge of it, and that I should look for an accounting from him. If he persists even now in making any of these statements he will easily be convicted of falsehood. If he declares that the <sup>20</sup>

## DEMOSTHENES

ἀπενήνοχεν ἀναλωμάτων οὐκ εἰς σιτία τοῖς ἀνθρώποις, ἀλλ' εἰς ἔργα, τὸν εἰς τὴν τέχνην ἐλέφαντα εἰς μαχαιρῶν λαβὰς καὶ ἄλλας ἐπισκευάς, ὡς ἐργαζομένων τῶν δημιουργῶν. ἔτι δὲ Θηριππίδῃ τριῶν ἀνδραπόδων, ἃ ἦν αὐτῷ ἐν τῷ ἐμῷ ἐργαστηρίῳ, μισθὸν ἀποδεδωκέναι λογίζεται. καίτοι μὴ γενόμενης ἐργασίας, οὐτ' ἐκείνῳ λαβεῖν μισθόν, οὐτ' [820] ἐμοὶ τὰ ἀναλώματα ταῦτα λογισθῆναι προσῆκεν. εἰ δ' αὖ γενέσθαι μὲν φήσει, τῶν δ' ἔργων ἀπρασίαν εἶναι, δεῖ δήπου τά γ' ἔργ' αὐτὸν ἀποδεδωκότα μοι φαίνεσθαι, καὶ ὧν ἐναντίον ἀπέδωκε παρασχέσθαι μάρτυρας. εἰ δὲ μηδὲν τούτων πεποίηκε, πῶς οὐκ ἔχει τὴν πρόσοδον δυοῖν ἐτοῖν τὴν ἐκ τοῦ ἐργαστηρίου τριάκοντα μνᾶς, φανερώς οὕτως τῶν ἔργων 22 γεγενημένων; εἰ δ' αὖ τούτων μὲν μηδὲν ἐρεῖ, Μιλύαν δ' αὐτὰ φήσει πάντα διωκηκέναι, πῶς χρὴ πιστεύειν, ὅταν φῆ τὰ μὲν ἀναλώματ' αὐτὸς ἀνηλωκέναι, πλεον ἢ πεντακοσίας δραχμάς, λῆμμα δ' εἴ τι γέγονεν, ἐκείνον ἔχειν; ἐμοὶ μὲν γὰρ δοκεῖ τούναντίον ἂν γενέσθαι τούτων, εἰ καὶ Μιλύας αὐτῶν ἐπεμελεῖτο, τὰ μὲν ἀναλώματ' ἐκείνος ἀναλώσαι, τὰ δὲ λῆμμαθ' οὗτος λαβεῖν, εἴ τι δεῖ τεκμαίρεσθαι πρὸς τὸν ἄλλον τρόπον καὶ τὴν ἀναίδειαν.

Λάβ' οὖν τὰς μαρτυρίας ταύτας, καὶ ἀνάγνωθ' αὐτοῖς.

### ΜΑΡΤΥΡΙΑΙ

23 Ταύτας τοίνυν ἔχει τριάκοντα μνᾶς ἀπὸ τοῦ ἐργαστηρίου, καὶ τὸ ἔργον αὐτῶν ὀκτὼ ἐτῶν. ὁ ἂν

factory was idle, yet he has himself rendered an account of money expended, not on provisions for the men, but for their work—ivory for the trade, sword-handles, and other supplies—indicating that the workmen were busy. Furthermore, he charges me with money which he has paid to Therippides for the hire of three slaves of his who were in my factory. Yet if no work was being done, Therippides should have received no pay, nor should these expenditures have been charged to me. Again, if he alleges that the work was done, but that there was no market for goods manufactured, he ought at any rate to show that he has delivered to me these goods, and to produce witnesses in whose presence he delivered them. Seeing that he has done neither of these things, how can you doubt that he is keeping thirty minae, the two years' income from the factory, since the business has so manifestly been carried on? If, however, he shall make none of these statements, but shall assert that Milyas had charge of everything, how can you believe him, when he alleges that he himself made the disbursements amounting to more than five hundred drachmae, but that any profits which accrued are in the hands of Milyas? For my part, I think it likely that the very opposite is the case, supposing that Milyas actually did have charge of the work,—that he made the disbursements, and that Aphobus received the profits, if we may draw any conclusion from the general character and the shamelessness of the man.

Take now and read these depositions to the jury.

#### THE DEPOSITIONS

These thirty minae, then, he has received from the factory, and the interest on them for eight years; and

## DEMOSTHENES

ἐπὶ δραχμῇ τις τιθῆ ἴδιον, ἄλλας<sup>1</sup> τριάκοντα μνᾶς εὐρήσει. καὶ ταῦτα μὲν ἴδια μόνος εἴληφεν· ἃ συντεθέντα πρὸς τὴν προῖκα μάλιστα τέτταρα τάλαντα γίγνεται σὺν τοῖς ἀρχαίοις. ἃ δὲ μετὰ τῶν ἄλλων ἐπιτρόπων κοινῇ διήρπακε, καὶ ὅσ' ἔνια μηδὲ καταλειφθῆναι παντάπασιν ἡμφεσβήτηκε, ταῦθ' ὑμῖν

24 ἤδη ἐπιδείξω καθ' ἕκαστον. πρῶτον μὲν οὖν περὶ τῶν κλινοποιῶν, οὓς κατέλιπε μὲν ὁ πατήρ, ἀφανίζουσι δ' οὗτοι, τετταράκοντα μὲν μνῶν ὑποκει-

[821] μένους, εἴκοσι δ' ὄντας τὸν ἀριθμόν, ἐπιδείξω ὑμῖν ὡς λίαν ἀναιδῶς καὶ φανερώς μ' ἀποστεροῦσιν. τούτους γὰρ καταλειφθῆναι μὲν οἴκοι παρ' ἡμῖν πάντες ὁμολογοῦσι, καὶ τὰς δώδεκα μνᾶς ἐκάστου τοῦ ἐνιαυτοῦ τῷ πατρὶ γίνεσθαι φασιν· αὐτοὶ δὲ λῆμμα μὲν παρ' αὐτῶν ἐν δέκ' ἔτεσιν οὐδὲν ἐμοὶ γεγεννημένον ἀποφαίνουσιν ἀλλ' οὐδὲ μικρόν, ἀναλώ-

25 λογίζεται χιλίας· εἰς τοῦτ' ἀναιδείας ἐλήλυθεν. αὐτοὺς δὲ τοὺς ἀνθρώπους, εἰς οὓς ταῦτ' ἀνηλωκένας φησίν, οὐδαμοῦ μοι παραδεδώκασιν, ἀλλὰ πάντων κενότατον λόγον λέγουσιν, ὡς ὁ ὑποθεῖς τῷ πατρὶ τὰνδράποδα πονηρότατος ἀνθρώπων ἐστί, καὶ ἐράνους τε λέλοιπε πλείστους καὶ ὑπέρχρεως γέγονε, καὶ τούτων οὐκ ὀλίγους κεκλήκασι κατ' ἐκείνου μάρτυρας. τὰ δ' ἀνδράποδ' ὅστις ἐστὶν ὁ λαβών, ἢ πῶς ἐκ τῆς οἰκίας ἐξῆλθεν, ἢ τίς ἀφείλετο, ἢ πρὸς

<sup>1</sup> ἄλλας: ἄλλας ὁμοῦ Blass.

<sup>a</sup> That is, at 12 per cent, instead of 18 per cent, which was normal in the case of marriage-portions.

<sup>b</sup> The ἔρανος, originally a meal to which each contributed

if one sets this down at the rate of a drachma only,<sup>a</sup> it will make thirty minae more. These sums he has himself embezzled, and, if they be added to the marriage-portion, the total is about four talents, principal and interest combined. Now I shall go on to show you what sums he has embezzled in conjunction with his co-trustees, and what sums he asserts were never left by my father at all. First, regarding 24 the twenty sofa-makers, given to my father as security for a debt of forty minae, whom my father certainly left behind him at his death, but of whom these men show not a trace—let me prove to you with what utter shamelessness and how openly they are seeking to cheat me of these. That these slaves were left by my father in the house they all admit, and that they brought him in an income of twelve minae every year. Yet these men report no receipts as having come in to my credit from them in ten years, and Aphobus reckons up a total expenditure on them of nearly a thousand drachmae. To such a pitch of effrontery has he come! And these slaves themselves, upon 25 whom he alleges that he has expended the money, they have never handed over to me. On the contrary, they tell the idlest tale imaginable, to the effect that the man who pledged the slaves to my father is the vilest sort of a fellow, who has left many friendly loans<sup>b</sup> unpaid, and who is overwhelmed with debt; and to prove this against him they have called a large number of witnesses. But as for the slaves—who got them; how they went out of the house; who took his due portion, came not unnaturally to mean a “club” to which each member contributed, and from which he could claim help, if need arose. Then it was also used, as here, of the “contribution” or better, the “loan,” made to such members.

## DEMOSTHENES

τίνα δίκην ἤττηνται περὶ αὐτῶν, οὐκ ἔχουσιν εἰπεῖν.  
 26 καίτοι εἴ τι ἔλεγον ὑγιές, οὐκ ἂν κατὰ τῆς ἐκείνου  
 πονηρίας παρείχοντο μάρτυρας, ἧς οὐδέν μοι προσ-  
 ἤκει φροντίζειν, ἀλλὰ τούτων ἂν ἀντελαμβάνοντο  
 καὶ τοὺς λαβόντας ἀπεδείκνυσαν καὶ οὐδέν ἂν αὐτῶν  
 παρέλειπον. νῦν δ' ὠμότατ' ἀνθρώπων, ὁμολο-  
 γοῦντες καταλειφθῆναι καὶ λαβόντες ὡς αὐτοὺς καὶ  
 καρπωσάμενοι δέκ' ἔτη τοὺς ἀνθρώπους, ἄρδην  
 ὄλον τὸ ἐργαστήριον ἀφανίζουσιν.

Καὶ ταῦθ' ὡς ἀληθῆ λέγω, λαβέ μοι τὰς  
 μαρτυρίας καὶ ἀναγίγνωσκε.

[822]

### ΜΑΡΤΥΡΙΑΙ

27 "Ὅτι τοίνυν οὐκ ἄπορος ἦν ὁ Μοιριάδης, οὐδ' ἦν  
 τῷ πατρὶ τοῦτο τὸ συμβόλαιον εἰς τὰνδράποδ'  
 ἡλιθίως συμβεβλημένον, μεγίστῳ τεκμηρίῳ γνώ-  
 σεσθε· λαβὼν γὰρ ὡς ἑαυτὸν "Αφοβος τοῦτο τὸ  
 ἐργαστήριον, ὡς αὐτοὶ τῶν μαρτύρων ἠκούσατε,  
 καὶ δέον αὐτόν, εἰ καὶ τις ἄλλος ἐβούλετ' εἰς ταῦτα  
 συμβαλεῖν, τοῦτον κωλύειν ἐπίτροπόν γ' ὄντα, αὐτὸς  
 ἐπὶ τούτοις τοῖς ἀνδραπόδοις τῷ Μοιριάδῃ πεντα-  
 κοσίας δραχμὰς ἐδάνεισεν, ἃς ὀρθῶς καὶ δικαίως  
 28 παρ' ἐκείνου κεκομίσθαι ὠμολόγηκεν. καίτοι πῶς  
 οὐ δεινόν, εἰ ἡμῖν μὲν πρὸς τῷ λῆμμ' ἀπ' αὐτῶν  
 μηδὲν γεγονέναι καὶ αὐτὰ τὰ ὑποτεθέντ' ἀπόλωλεν,  
 οἱ πρότερον συνεβάλομεν, τῷ δ' εἰς τὰ ἡμέτερα  
 δανείσαντι καὶ τοσοῦτῳ χρόνῳ πράξαντι, καὶ οἱ  
 τόκοι καὶ τὰρχαῖ' ἐκ τῶν ἡμετέρων ἀποδέδοται  
 καὶ οὐδεμί' ἀπορία γέγονεν;



them away ; or in what suit they lost them by judgement, they are unable to say. Yet, if there were any 26 truth in what they allege they would not be bringing forward witnesses to prove this man's vile character (with which I have no concern), but would be holding on to the slaves, or would show who took them, and would have left not one of them out of sight. But as it is, though they admit that the slaves were left by my father, and though they took possession of them and enjoyed the profits from them for ten years, they have in the most ruthless manner possible done away with the whole factory.

To prove that I am speaking the truth in this, take, please, and read the depositions.

#### THE DEPOSITIONS

That, moreover, Moeriades was not without re- 27 sources and that my father did not act foolishly in making the contract with him about the slaves, I will show you by the clearest proof. For after Aphobus took into his own hands the factory as you have yourselves heard from the witnesses, when it was his duty as my guardian to prevent anyone else from advancing money on the same security, he himself loaned to Moeriades on the security of these same slaves the sum of five hundred drachmae, which he admits he has duly recovered from him in full. And yet is it 28 not outrageous that we who made the prior loan should, besides having received no profit from the slaves, have lost our security, while this fellow, who loaned money on security belonging to us, and whose loan was so long subsequent to ours, should from funds that were ours have recovered both principal and interest, and have suffered no loss whatever ?

## DEMOSTHENES

Ἄλλὰ μὴν ὡς ἀληθῆ λέγω, λαβὲ τὴν μαρτυρίαν  
καὶ ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑ

29 Σκέψασθε τοίνυν ὅσον ἀργύριον οὗτοι παρὰ τοὺς κλινοποιούς κλέπτουσι, τετταράκοντα μὲν μνᾶς αὐτὸ τὸ ἀρχαῖον, δέκα δ' ἐτῶν τὸ ἔργον αὐτῶν δύο τάλαντα· δώδεκα γὰρ μνᾶς ἐκάστου τοῦ ἐνιαυτοῦ τὴν πρόσδοδον αὐτῶν ἐλάμβανον. ἄρα μικρὸν τι καὶ ἐξ ἀφανοῦς ποθεν καὶ παραλογίσασθαι ράδιον, ἀλλ' οὐ φανερώς οὕτωςι μικροῦ δεῖν τρία τάλαντα ταῦτ' ἀνηρπάκασιν; ὦν κοινῇ διαπεφορημένων τὸ τρίτον δήπου μέρος παρὰ τούτου μοι προσήκει κεκομίσθαι.

30 Καὶ μὴν, ὦ ἄνδρες δικασταί, καὶ τὰ περὶ τοῦ  
[823] ἐλέφαντος καὶ σιδήρου τοῦ καταλειφθέντος παρα-  
πλήσιά πως τούτοις πεποιήκασιν· οὐδὲ γὰρ ταῦτ'  
ἀποφαίνουσιν. καίτοι κεκτημένον μὲν τοσοῦτους  
κλινοποιούς, κεκτημένον δὲ μαχαιροποιούς, οὐχ οἶόν  
τε μὴ οὐχὶ καὶ σίδηρον καὶ ἐλέφанта καταλιπεῖν,  
ἀλλ' ἀνάγκη ταῦτά γ' ὑπάρχειν· τί γὰρ ἂν ἠργά-  
31 ζοντο τούτων μὴ ὑπαρξάντων; τὸν τοίνυν πλεῖν ἢ  
πεντήκοντ' ἀνδράποδα κεκτημένον καὶ δυοῖν τέχναι  
ἐπιμελούμενον, ὦν θάτερον ἐργαστήριον εἰς τὰς  
κλίνας ραδίως δύο μνᾶς τοῦ μηνὸς ἀνήλισκεν  
ἐλέφαντος, τὸ δὲ μαχαιροποιεῖον οὐκ ἔλαττον ἢ  
τοσοῦτον ἕτερον, σὺν σιδήρῳ, τοῦτον οὐ φασι κατα-  
λιπεῖν οὐδὲν τούτων· εἰς τοῦτ' ἀναιδείας ἐληλύθασιν.  
32 ὅτι μὲν οὖν οὐ πιστὰ λέγουσι, καὶ ἐκ τούτων αὐτῶν  
ράδιόν ἐστι μαθεῖν· ὅτι δ' ἐκείνος κατέλιπε τοσοῦτον  
τὸ πλῆθος, ὥστε μὴ μόνον ἰκανὸν εἶναι κατεργάζε-

To prove that what I say is true, take the deposition and read it.

THE DEPOSITION

Consider now of how large a sum they are defraud- 29  
ing me in the matter of these sofa-makers : the principal alone, forty minae, and interest upon it for ten years, two talents ; for they obtained from the slaves a profit of twelve minae each year. Is this a trifling sum drawn from some obscure source, which might easily have been miscalculated, or have they not manifestly robbed me of nearly three talents <sup>a</sup> ? Of this sum which they have jointly scattered to the winds, it is surely right that I should recover a third from the defendant.

Furthermore, men of the jury, they have dealt in 30  
much the same way with the ivory and iron which were left me. They do not produce them. Yet it is impossible that one who possessed so many sofa-makers and so many sword-makers should not also have left iron and ivory. These things must have been available, for what could the slaves have produced without these materials ? Well then, though 31  
my father possessed more than fifty slaves and conducted two factories, one of which easily consumed two minae worth of ivory per month for the sofas, while the sword-factory consumed as much more, and iron besides, these men declare that he left no ivory and no iron ; to such a pitch of shamelessness have they come ! From these facts alone it is easy to see 32  
that no credence is to be given to their statements : but that my father actually did leave such an amount of these materials as not only to suffice for his own

<sup>a</sup> Strictly, two talents and forty minae. See the table on p. xi.

## DEMOSTHENES

σθαι τοῖς ἑαυτοῦ δημιουργοῖς, ἀλλὰ καὶ τῷ βουλο-  
 μένω πρὸς ὠνεῖσθαι τῶν ἄλλων, ἐκεῖθεν φανερόν,  
 ὅτι αὐτός τ' ἐπώλει ζῶν, καὶ Δημοφῶν καὶ οὗτος  
 τοῦ πατρὸς ἤδη τετελευτηκότος ἐκ τῆς οἰκίας τῆς  
 33 ἐμῆς ἀπεδίδοντο τοῖς βουλομένοις. καίτοι πόσον  
 τινὰ χρῆ τὸν καταλειφθέντα νομίζειν εἶναι, ὅταν  
 φαίνεται τηλικούτοις τ' ἐργαστηρίοις ἐξαρκῶν, καὶ  
 χωρὶς ὑπὸ τῶν ἐπιτρόπων πιπρασκόμενος; ἄρ'  
 ὀλίγον, ἀλλ' οὐ πολλῷ πλείω τῶν ἐγκεκλημένων;  
 Λαβὲ τοίνυν τὰς μαρτυρίας ταυτασί καὶ ἀνάγνωθ'  
 αὐτοῖς.

[824]

### ΜΑΡΤΥΡΙΑΙ

Τούτου τοίνυν τοῦ ἐλέφαντός ἐστι πλεόν ἢ τά-  
 λαντον, ὃν οὔτ' αὐτὸν οὔτε τὸ ἔργον ἀποφαίνουσιν,  
 ἀλλὰ καὶ τοῦτον ἄρδην ἀφανίζουσιν ὅλον.  
 34 "Ἐπι τοίνυν, ὦ ἄνδρες δικασταί, παρὰ τὸν λόγον  
 ὃν ἀποφέρουσιν, ἐξ ὧν αὐτοὶ λαβεῖν ὁμολογοῦσιν,  
 ἐπιδείξω ὑμῖν τρεῖς μὲν ὄντας αὐτοὺς πλεόν ἢ ὀκτῶ  
 τάλαντ' ἐκ τῶν ἐμῶν ἔχοντας, ἰδίᾳ δ' ἐκ τούτων  
 "Ἀφοβον τρία τάλαντα καὶ χιλίας εἰληφότα, τὰ τ'  
 ἀνηλωμένα χωρὶς τούτων πλείω τιθεῖς καὶ ὅσ' ἐκ  
 τούτων ἀπέδοσαν ἀφαιρῶν, ἵν' εἰδῆθ' ὅτι οὐ μικρᾶς  
 35 ἀναιδείας τὰ ἐγχειρήματ' αὐτῶν ἐστίν. λαβεῖν γὰρ  
 ἐκ τῶν ἐμῶν ὁμολογοῦσιν οὗτος μὲν ὀκτῶ καὶ  
 ἑκατὸν μνᾶς, χωρὶς ὧν ἔχοντ' αὐτὸν ἐγὼ ἐπιδείξω  
 νῦν, Θηριππίδης δὲ δύο τάλαντα, Δημοφῶν δ' ἑπτὰ  
 καὶ ὄγδοῆκοντα μνᾶς. τοῦτο δ' ἐστὶ πέντε τάλαντα

workmen to use in their trade, but also for sale to anyone else who wished to buy, is made clear by the fact that he himself during his lifetime used to sell these materials, and that after his death Demophon and the defendant continued to sell them from out my house to those wishing to buy. And yet how 33 large must one suppose the quantity left by my father to have been, when it is shown to have sufficed for such extensive factories, and to have been sold by the guardians besides? Was it a small amount, or not rather much more than I have charged?

Take now these depositions and read them to the jury.

THE DEPOSITIONS

Of this ivory, you see, there is more than a talent's worth of which they make no report—neither of the raw material nor of the finished product. No; this also they have utterly and absolutely made away with.

Furthermore, men of the jury, I shall prove to you 34 from the account which they render, and from the receipts admitted by themselves, that these three men have in their possession more than eight talents of my money, and that of this amount Aphobus has separately taken three talents and one thousand drachmae. I shall set down separately at a higher figure than they do themselves the moneys they have expended, and shall deduct all the sums they have paid me, that you may see the utter shamelessness of their attempts. They confess to have received from 35 my estate, Aphobus one hundred and eight minae (besides what I shall now show to be in his hands); Therippides two talents; and Demophon eighty-seven minae. This makes altogether five talents and

## DEMOSTHENES

καὶ πεντεκαίδεκα μναῖ. τούτου τοίνυν ὁ μὲν οὐχ ἄθρουν ἐλήφθη, σχεδόν εἰσιν ἑβδομήκοντα μναῖ καὶ ἑπτὰ, ἢ πρόσοδος ἢ ἀπὸ τῶν ἀνδραπόδων, ὁ δ' εὐθύς ἔλαβον οὗτοι, μικροῦ δέοντα τέτταρα τάλαντα· οἷς τὸ ἔργον ἂν προσθῆτ' ἐπὶ δραχμῇ μόνον τῶν δέκ' ἐτῶν, ὀκτῶ τάλανθ' εὐρήσετε σὺν τοῖς

36 ἀρχαίοις καὶ χιλίας γιγνομένας. τὴν μὲν τοίνυν τροφήν ἀπὸ τῶν ἑβδομήκοντα μνῶν καὶ ἑπτὰ λογιστέον τῶν ἀπὸ τοῦ ἐργαστηρίου γενομένων. Θηριππίδης γὰρ ἑπτὰ μνᾶς ἐδίδου καθ' ἕκαστον τὸν ἐνιαυτὸν εἰς ταῦτα, καὶ ἡμεῖς τοῦτο λαβεῖν ὁμολογοῦμεν. ὥσθ' ἑβδομήκοντα μνῶν ἐν τοῖς δέκ' ἔτεσι

[525] τροφήν τούτων ἡμῖν ἀνηλωκότων, τὸ περιὸν τὰς ἑπτακοσίας προστίθημ' αὐτοῖς, καὶ τούτων πλείον' εἰμὶ τεθηκώς. ὁ δ' ἐμοὶ δοκιμασθέντι παρέδοσαν καὶ ὅσον εἰς τὴν πόλιν εἰσηγηνόχασι, τοῦτ' ἀπὸ τῶν ὀκτῶ τάλαντων καὶ τοῦ προσόντος ἀφαιρετέον

37 ἐστίν. ἀπέδοσαν μὲν τοίνυν οὗτος καὶ Θηριππίδης μίαν καὶ τριάκοντα μνᾶς, εἰσφορὰς δ' εἰσηγηνοχέαι λογίζονται δυοῖν δεούσας εἴκοσι μνᾶς. ἐγὼ δ' ὑπερβαλὼν καὶ τοῦτο ποιήσω τριάκοντα μνᾶς, ἵνα πρὸς ταῦτα μηδ' ἀντειπεῖν ἔχωσιν. οὐκοῦν ἂν ἀφέλητε τὸ τάλαντον ἀπὸ τῶν ὀκτῶ τάλαντων, ἑπτὰ τὰ λειπόμεν' ἐστί, καὶ ταῦτ', ἐξ ὧν αὐτοὶ λαβεῖν ὁμολογοῦσι, τούτους ἔχειν ἐστίν ἀναγκαῖον. τοῦτο τοίνυν, εἰ καὶ ἄλλα πάντ' ἀποστεροῦσιν ἀρνούμενοι μὴ ἔχειν, ἀποδοῦναι προσῆκεν, ὁμολογοῦντάς γε

<sup>a</sup> That is, at 12 per cent, as above. Demosthenes is liberal indeed in his allowances. The entire sum of seventy-seven minae is crossed off as balanced by expenditures: the interest on four talents for ten years is set down as four talents forty minae, instead of four talents forty-eight minae, so that the

fifteen minae. Of this sum there are nearly seventy-seven minae, the income from the slaves, which were not received all at once, and a little less than four talents of which they got possession immediately. Now, if you add to this last sum the interest for ten years, reckoned at a drachma only,<sup>a</sup> you will find that the whole, principal and interest, amounts to eight talents and four thousand drachmae. From the 36 seventy-seven minae, the profits of the factory, the cost of maintenance of the men must be deducted, for Therippides expended for this seven minae a year, and I admit having received thus much. Thus they expended on our behalf in the ten years seventy minae for maintenance; to this I add the balance, seven hundred drachmae, and thus credit them with a larger expenditure than they do themselves. There must also be deducted from the eight talents and more the sum they handed over to me when I came of age, and the taxes which they have paid to the state. The defendant and Therippides paid me 37 thirty-one minae, and they compute that they have paid eighteen minae in taxes. I will go beyond them and will make this sum thirty minae, that they may have not a word to say in protest. Well, then, if you take away one talent from the eight, seven are left, which, according to their own admissions of receipts, they must necessarily have in their possession. This sum, then, even if they rob me of everything else and deny that they have it, they ought at least to have paid me, seeing that they admit having total amount becomes eight talents and forty minae. From this there are deducted the moneys paid to him (thirty-one minae) and those paid in taxes (set down as thirty minae, instead of eighteen) and the balance (roughly, eight talents less one talent), is reckoned as seven talents.

## DEMOSTHENES

38 λαβεῖν ταῦτ' ἐκ τῶν ἐμῶν. νῦν δὲ τί ποιούσιν; ἔργον μὲν οὐδὲν ἀποφαίνουσι τοῖς χρήμασιν, αὐτὰ δὲ τὰ ἀρχαῖα πάντ' ἀνηλωκέσαι φασὶ σὺν ταῖς ἑπτὰ καὶ ἑβδομήκοντα μυαῖς. Δημοφῶν δὲ καὶ πρὸς ὀφείλοντας ἡμᾶς ἐνέγραψεν. ταῦτ' οὐ μεγάλη καὶ περιφανῆς ἀναισχυντία; ταῦτ' οὐχ ὑπερβολὴ δεινῆς αἰσχροκερδείας; τί οὖν ποτ' ἐστὶ τὸ δεινόν, εἰ μὴ

39 ταῦτα δόξει τηλικαύτας ὑπερβολὰς ἔχοντα; οὗτος τοίνυν τὸ καθ' αὐτὸν ὀκτῶ καὶ ἑκατὸν μυᾶς λαβεῖν ὁμολογῶν, ἔχει καὶ αὐτὰς καὶ τὸ ἔργον δέκ' ἐτῶν, μάλιστα τρία τάλαντα καὶ χιλίας.

Καὶ ταῦθ' ὡς ἀληθῆ λέγω, καὶ ἐν τοῖς λόγοις τοῖς τῆς ἐπιτροπῆς τὸ λῆμμ' ἕκαστος τοῦθ' ὁμο-  
 [826] λογῶν λαβεῖν ἅπαν ἀνηλωκέσαι λογίζεται, λαβὲ τὰς μαρτυρίας καὶ ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑΙ

40 Νομίζω τοίνυν, ὦ ἄνδρες δικασταί, περὶ τούτων ἱκανῶς μὲν ὑμᾶς μεμαθηκέσαι, καὶ ὅσα κλέπτουσι καὶ κακουροῦσιν ἕκαστος αὐτῶν· ἔτι δ' ἀκριβέστερον ἔγνωτ' ἄν, εἴ μοι τὰς διαθήκας, ἃς ὁ πατὴρ κατέλιπεν, οὗτοι ἀποδοῦναι ἠθέλησαν. ἐν γὰρ ἐκείναις ἐγέγραπτο, ὡς φησιν ἡ μήτηρ, ἃ κατέλιπεν ὁ πατὴρ πάντα, καὶ ἐξ ὧν ἔδει τούτους λαβεῖν τὰ

41 δοθέντα, καὶ τὸν οἶκον ὅπως μισθώσουσι. νῦν δ' ἀπαιτοῦντος ἐμοῦ καταλειφθῆναι μὲν ὁμολογοῦσιν, αὐτὰς δ' οὐκ ἀποφαίνουσιν. ταῦτα δὲ ποιούσι τό τε πλῆθος οὐ βουλόμενοι καταφανὲς ποιῆσαι τῆς

32



received it from my estate. But what is it that they 38  
do? They report no return in interest for this  
money, and tell me that they have expended the  
entire principal together with the seventy-seven  
minae; and Demophon has, moreover, actually set  
me down as indebted to him. Is not this absolute  
and barefaced effrontery? Is it not the very excess  
of outrageous rapacity? What is the meaning of  
outrageous, if matters pushed to this extreme are not  
to be so called? The defendant, then, for his own 39  
part, since he admits having received one hundred  
and eight minae, has in his possession these and the  
interest on them for ten years, in all about three  
talents and one thousand drachmae.

In proof that what I say is true—that each one of  
them in the account of his guardianship admits that  
he has received the money, but claims to have spent  
it all—take the depositions and read them.

#### THE DEPOSITIONS

I think, men of the jury, that you have now been 40  
fully informed regarding the theft and wrongdoings  
of each of these men. You would, however, have  
had more exact knowledge of the matter, if they had  
been willing to give up to me the will which my father  
left; for it contained (so my mother tells me) a state-  
ment of all the property that my father left, along  
with instructions regarding the funds from which  
these men were to take what had been given them,  
and regarding the letting of the property. But as 41  
it is, on my demanding it, they admit that there was  
a will, but they do not produce it; and they take  
this course because they do not want to make known

## DEMOSTHENES

οὐσίας τὸ καταλειφθέν, ὃ διηρπάκασιν οὗτοι, τὰς τε δωρείας ἵνα μὴ δοκῶσιν ἔχειν, ὥσπερ οὐκ ἐξ αὐτοῦ τοῦ πράγματος ἐξελεγχθησόμενοι ραδίως.

Λαβὲ δ' αὐτοῖς τὰς μαρτυρίας ὧν ἐναντίον ἀπεκρίναντο, καὶ ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑΙ

- 42 Οὗτος διαθήκην μὲν γενέσθαι φησί, καὶ τὰ δύο τάλαντα Δημοφῶντι καὶ τὰς ὀγδοήκοντα μνᾶς τούτῳ δοθῆναι μαρτυρεῖ· τὰς δ' ἑβδομήκοντα μνᾶς, ἃς Θηριππίδης ἔλαβεν, οὐ προσγραφῆναί φησιν, οὐδὲ τὸ πλῆθος τῆς οὐσίας τὸ καταλειφθέν, οὐδὲ τὸν οἶκον ὅπως μισθώσουσιν· οὐ γὰρ αὐτῷ συμφέρι προσομολογῆσαι ταῦτα.

Λαβὲ δὴ τὴν τούτου ἀπόκρισιν.

[827]

### ΜΑΡΤΥΡΙΑ

- 43 Οὗτος αὖ τὴν μὲν διαθήκην γενέσθαι φησί, καὶ τὸ ἀργύριον ἐκ τοῦ χαλκοῦ καὶ τῆς κηκίδος ἀποδοθῆναι τῷ Θηριππίδῃ, ὃ ἐκείνος οὐ φησι, καὶ τὰ δύο τάλαντα τῷ Δημοφῶντι· περὶ δὲ τῶν αὐτῷ δοθέντων γραφῆναι μὲν φησιν, οὐχ ὁμολογῆσαι δ' αὐτός, ἵνα μὴ δοκῇ λαβεῖν. τὸ δὲ πλῆθος τῆς οὐσίας οὐδ' οὗτος ἀποφαίνει καθόλου,<sup>1</sup> οὐδὲ τὸ μισθοῦν τὸν οἶκον· οὐδὲ γὰρ οὐδὲ τούτῳ συμφέρι
- 44 προσομολογῆσαι ταῦτα. δῆλον τοίνυν ἔστιν οὐδὲν ἦττον τὸ πλῆθος τῶν καταλειφθέντων, καίπερ ἀφανιζόντων τούτων τὴν οὐσίαν, ἐκ τῶν διαθηκῶν, ἐξ ὧν τοσαῦτα χρήματ' ἀλλήλοις φασὶ δοθῆναι.

<sup>1</sup> καθόλου] καθόλου τὸ καταλειφθέν Blass.

<sup>a</sup> "This man" appears to refer to Therippides.

the amount of the property which was left, and which they have embezzled, and to the end that they may not appear to have received their legacies—as though they would not easily be convicted by the facts themselves.

Take now, and read them the evidence of those in whose presence they made their answers.

THE DEPOSITIONS

This man<sup>a</sup> declares that a will was made and testifies 42 that in it the two talents were given to Demophon, and the eighty minae to Aphobus ; but he declares there was no additional clause regarding the seventy minae which Therippides received, or regarding the amount of the property bequeathed, or instructions as to the letting of it ; for it was not to his interest to make these further admissions.

Now take the answer of the defendant.

THE DEPOSITION

He also declares that the will was made, and that 43 the money accruing from the copper and the gall was duly paid to Therippides, which Therippides denies ; and that the two talents were paid to Demophon ; but in regard to the money given to himself, while he admits that the clause was written in the will, he declares that he did not assent to it, in order that he may not appear to have received it. But as to the amount of the estate he, too, reveals absolutely nothing, nor as to letting the property. For it was not to his interest either to make these further admissions. The amount of the property that was 44 left is, however, none the less clear (though these men seek to conceal it) from the terms of the will, in accordance with which they state that such large sums were given to them severally. When a man

## DEMOSTHENES

ὅστις γὰρ ἐκ τεττάρων ταλάντων καὶ τρισχιλίων  
 τοῖς μὲν τρία τάλαντα καὶ δισχιλίας προῖκ' ἔδωκε,  
 τῷ δ' ἑβδομήκοντα μνᾶς καρποῦσθαι, φανερὸν  
 δήπου πᾶσιν ὅτι οὐκ ἀπὸ μικρᾶς οὐσίας, ἀλλὰ πλέον  
 45 ἢ διπλασίας ἦς ἐμοὶ κατέλειπε ταῦτ' ἀφείλεν. οὐ  
 γὰρ δήπου τὸν μὲν υἱὸν ἐμὲ πένητ' ἠβούλετο κατα-  
 λιπεῖν, τούτους δὲ πλουσίους ὄντας ἔτι πλουσιω-  
 τέρους ποιῆσαι ἐπεθύμησεν, ἀλλ' ἔνεκα τοῦ πλήθους  
 τῶν ἐμοὶ καταλειπομένων Θηριππίδῃ τε τοσοῦτον  
 ἀργύριον καὶ Δημοφῶντι τὰ δύο τάλαντα, οὐπω  
 μέλλοντι τῇ ἀδελφῇ τῇ ἐμῇ συνοικήσειν, καρποῦ-  
 σθαι ἔδωκεν, ἵνα δυοῖν θάτερον διαπράξαιτο, ἢ διὰ  
 τὰ διδόμενα βελτίους αὐτοὺς εἶναι τὰ περὶ τὴν ἐπι-  
 τροπὴν προτρέψειεν, ἢ εἰ κακοὶ γίγνοιτο, μηδεμιᾶς  
 [828] συγγνώμης παρ' ὑμῶν τυγχάνοιεν, εἰ τοσοῦτων  
 46 ἀξιωθέντες τοιαῦτ' εἰς ἡμᾶς ἕξαμαρτάνοιεν. οὗτος  
 τοίνυν καὶ αὐτὸς πρὸς τῇ προικὶ καὶ τὰς θεραπαίνας  
 λαβῶν καὶ τὴν οἰκίαν οἰκῶν, ἐπειδὴ δεῖ λόγον αὐτὸν  
 δοῦναι τούτων, τά θ' αὐτοῦ πράττειν φησί, καὶ εἰς  
 τοσοῦτον αἰσχροκερδείας ἦλθεν, ὥστε καὶ τοὺς δι-  
 δασκάλους τοὺς μισθοὺς ἀπεστέρηκε, καὶ τῶν εἰσ-  
 φορῶν ἔστιν ἃς οὐ κατέθηκεν, ἐμοὶ δὲ λογίζεται.

Λαβὲ δὴ καὶ ταύτας αὐτοῖς τὰς μαρτυρίας καὶ  
 ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑΙ

47 Πῶς οὖν ἂν τις σαφέστερον ἐπιδείξειε πάντα  
 διηρηπάκῳτα καὶ μηδὲ τῶν μικρῶν ἀπεσχημένον, ἢ  
 τοῦτον τὸν τρόπον ἐπιδεικνὺς μετὰ τοσοῦτων μαρ-  
 36

out of four talents and three thousand drachmae has given to two of these men three talents and two thousand drachmae as marriage-portions, and to the third the interest on seventy minae, it is clear, I fancy, that he took these sums, not from a small estate, but from one bequeathed to me of more than double this amount. For, I take it, he would not 45 wish to leave me, his son, in poverty, and be eager further to enrich these men, who were already wealthy. No ; it was because of the size of the estate left to me that he gave to Therippides the interest on a sum so considerable, and to Demophon that on the two talents—though he was not yet to marry my sister—in order to accomplish one or the other of two ends : either he would by his gifts encourage them to act the more honourably in the guardianship, or, if they should prove dishonest, they would meet with no leniency at your hands, seeing that, after being so liberally treated, they sinned so grievously against us. Well now, the defendant, who in addition to my 46 mother's marriage-portion has taken the female servants, and has lived in the house, when it becomes necessary to render an account of these matters, says he is busy with his own affairs ; and he has come to such a pitch of rapaciousness, that he has even cheated my instructors of their fees, and has left unpaid some of the taxes, although he charges me with the amounts.

Take these depositions too, and read them to the jury.

#### THE DEPOSITIONS

How could one show more clearly that he has made 47 havoc of the whole estate, sparing nothing, however small, than by proving, as I have done by so many

## DEMOSTHENES

- τύρων καὶ τεκμηρίων; τὴν μὲν προῖκα λαβεῖν ὁμολογήσαντα καὶ ἔχειν αὐτὸν πρὸς τοὺς ἐπιτρόπους ἀπογράψαντα, τὸ δ' ἐργαστήριον κεκαρπωμένον
- 48 αὐτὸν καὶ τὴν πρόσοδον οὐκ ἀποφαίνοντα, τῶν δ' ἄλλων τὰ μὲν πεπρακότα καὶ τὰς τιμὰς οὐκ ἀποδεδωκότα, τὰ δ' ὡς ἑαυτὸν λαβόντα καὶ ταῦτ' ἠφανικότα, ἔτι δὲ παρὰ τὸν λόγον ὃν αὐτὸς ἀπέδωκε τοσαῦτα κλέπτοντα, πρὸς δὲ τούτοις τὴν διαθήκην ἠφανικότα, τὰ ἀνδράποδα πεπρακότα, τᾶλλ' οὕτω πάντα διωκηκότα, ὡς οὐδ' ἂν οἱ ἔχθιστοι διοικήσειαν; ἐγὼ μὲν οὐκ οἶδ' ὅπως ἂν τις σαφέστερον ἐπιδείξειεν.
- 49 Ἐτόλμα τοίνυν πρὸς τῷ διαιτητῇ λέγειν, ὡς ἀπὸ τῶν χρημάτων χρέα τε πάμπολλ' ἐκτέτεικεν ὑπὲρ ἐμοῦ Δημοφῶντι καὶ Θηριππίδῃ τοῖς συνεπιτρόποις, καὶ ὡς πολλὰ τῶν ἐμῶν λάβοιεν, οὐδέτερ' ἔχων ἐπιδεικνύναι τούτων. οὔτε γὰρ ὡς ὀφείλοντά με κατέλιπεν ὁ πατήρ ἐν τοῖς γράμμασιν ἀπέφηνεν,
- [§29] οὐδ' οἷς ἀποδεδωκέναι ταῦτ' ἔφη παρέσχηται μάρτυρας, οὔτ' αὖ τὸν ἀριθμὸν τῶν χρημάτων εἰς τοὺς συνεπιτρόπους ἐπανέφερον ὅσον αὐτὸς φαίνεται
- 50 λαβῶν, ἀλλὰ πολλοῖς ἐλάττω χρήμασιν. ἐρωτηθεὶς δ' ὑπὸ τοῦ διαιτητοῦ ταῦτά τε καθ' ἕκαστον, καὶ τὴν οὐσίαν τὴν αὐτοῦ πότερον ἐκ τῶν ἐπικαρπιῶν ἢ τὰρχαῖ' ἀναλίσκων διώκηκε, καὶ πότερον ἐπιτροπευθεὶς ἀπεδέξατ' ἂν τοῦτον τὸν λόγον παρὰ τῶν ἐπιτρόπων, ἢ τὰρχαῖ' ἂν ἀπολαβεῖν ἠξίου σὺν τοῖς ἔργοις τοῖς γεγενημένοις, πρὸς μὲν ταῦτ' ἀ-

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<sup>a</sup> The public arbitrators at Athens were chosen from a body of citizens of advanced age. To one or another of

38

witnesses and proofs, that he admitted having received the marriage-portion, and that he acknowledged in writing to the guardians that he had it; that he enjoyed the profits of the factory, but makes report of none; that of our other effects he has sold some 48 without paying to us the proceeds, while others he has taken to himself and hidden; that according to the account which he has himself rendered, he has embezzled large sums; that in addition to all this he has made away with the will, sold the slaves, and in all other respects has administered the estate as not even the bitterest enemies would have done? I do not see how anyone could prove the matter more clearly.

He had the audacity to say before the arbitrator <sup>a</sup> 49 that he had paid many debts for me out of the estate to Demophon and Therippides, his fellow-guardians, and that they received a large part of my property, yet neither of these facts was he able to prove. He did not show by the books that my father left me in debt, nor has he brought forward as witnesses the men whom he says he paid; nor, again, is the amount of money which he charged against his fellow-guardians equal to the amount which he is shown to have received himself. On the contrary, it is much less. When the arbitrator questioned him about each of 50 these matters, and asked him whether he had managed his own estate from the interest or had spent the principal, and whether, if he had been under guardianship, he would have accepted an account of this sort from his guardians or would have demanded that the money be duly paid to him with the accrued interest,

these men (selected by lot) the magistrate would refer civil cases before trial in hopes of bringing about a settlement of the points at issue out of court.

## DEMOSTHENES

εκρίνατ' οὐδέν, προὔκαλεῖτο δ' ἐθέλειν ἐπιδείξαι μοι τὴν οὐσίαν δέκα ταλάντων οὖσαν· εἰ δέ τι ἑλλείποι, 51 αὐτὸς ἔφη προσθήσειν. κελεύοντος δ' ἐμοῦ πρὸς τὸν διαιτητὴν ἐπιδεικνύναι ταῦτ' οὐκ ἐπέδειξεν, οὐδ' ὡς οἱ συνεπίτροποι παρέδοσαν· (οὐ γὰρ ἂν αὐτοῦ κατεδιήτησε), μαρτυρίαν δ' ἐνεβάλετο τοιαύτην, περὶ ἧς πειράσεται τι λέγειν.

Ἄν μὲν οὖν καὶ νῦν ἔχειν με φῆ, τίνος παραδόντος ἐρωτᾷτ' αὐτόν, καὶ καθ' ἕκαστον παρα- 52 σχέσθαι μάρτυρας ἀξιούτε. εἰ δ' εἶναι μοι φῆ τοῦτον τὸν τρόπον, λογιζόμενος τὰ παρ' ἑκατέρω τῶν ἐπιτρόπων, διπλασίοις ἐλάττω φανήσεται λέγων, ἔχοντα δ' οὐδέν μᾶλλον ἀποφαίνων. ἐγὼ γὰρ ὡσπερ καὶ τοῦτον τοσαῦτ' ἔχοντ' ἐξήλεξα, οὕτως κακείνων ἑκάτερον οὐκ ἐλάττω τούτων ἔχοντ' ἐπιδείξω. ὥστ' οὐ τοῦτ' αὐτῷ λεκτέον, ἀλλ' ὡς ἢ αὐτὸς ἢ οἱ συνεπίτροποι παρέδοσαν. εἰ δέ μὴ τοῦτ' ἐπιδείξει, πῶς χρὴ ταύτη τῇ προκλήσει προσέχειν ὑμᾶς τὸν νοῦν; οὐδέν γὰρ [830] μᾶλλον ἔχοντά μ' ἐπιδείκνυσιν.

53 Πολλὰ τοίνυν ἀπορηθεὶς πρὸς τῷ διαιτητῇ περὶ πάντων τούτων, καὶ καθ' ἕκαστον ἐξελεγχόμενος ὡσπερ νυνὶ παρ' ὑμῖν, ἐτόλμησε ψεύσασθαι πάντων δεινότατον, ὡς τέτταρά μοι τάλανθ' ὁ πατὴρ κατέλιπε κατορωρυγμένα, καὶ τούτων κυρίαν τὴν μητέρ'

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<sup>a</sup> The challenge was often used in Athenian lawsuits. Here Aphobus virtually offers Demosthenes a compromise, fixing the value of the estate at ten talents instead of thirty. Sometimes the challenger "dares" his opponent to give an oath, or to offer a slave for torture.

<sup>b</sup> The speaker would have the jury think that the bit of evidence in question is unworthy of further notice.



he made no answer to these questions, but tendered me a challenge<sup>a</sup> to the effect that he was ready to show that my property was worth ten talents, and said that, if it fell short of this amount, he would himself make up the difference. When I bade him prove<sup>51</sup> this to the arbitrator, he did not do so, nor did he show that his fellow-guardians had paid me (for if he had, the arbitrator would not have given judgement against him) : but he put in a piece of evidence<sup>b</sup> of a sort regarding which he will try to find something to say.

If even now he still tries to assert that I am in possession of property, ask him who handed it over to me, and demand that he produce witnesses to prove each statement. If he declares that it is my<sup>52</sup> possession in this sense, that he reckons up what is in the hands of either of the trustees, it will be clear that he accounts for only a third part, and still does not prove that I have possession of it. For as I have convicted the defendant of having in his possession the large amount I have stated, I shall also prove that each of them has not less than he. This statement, therefore, will not help him. No; he must show that either he or his fellow-trustees really handed the money over to me. If he fails to prove this, why should you pay any attention to his challenge? He still does not prove that I have the money.

Being sorely at a loss to explain any of these<sup>53</sup> matters before the arbitrator, and being convicted on each point, just as he is now before you, he had the audacity to make an outrageously false statement, to the effect that my father left me four talents buried in the ground, and that he had put my mother in

## DEMOSTHENES

ἐποίησεν. ταῦτα δ' εἶπεν, ἵν' εἰ μὲν καὶ νῦν προσ-  
 δοκήσαιμ' αὐτὸν ἐρεῖν, ἀπολογούμενος περὶ αὐτῶν  
 διατρίβοιμι, δέον ἕτερα μ' αὐτοῦ κατηγορεῖν πρὸς  
 ὑμᾶς· εἰ δ' ὡς οὐ ῥηθησομένων παραλίποιμι, νῦν  
 αὐτὸς εἴποι, ἵνα δοκῶν εἶναι πλούσιος ἦττον ὑφ'  
 54 ὑμῶν ἐλεοίμην. καὶ μαρτυρίαν μὲν οὐδεμίαν ἐν-  
 εβάλετο τούτων ὁ ταῦτ' εἰπεῖν ἀξιώσας, ψιλῶ δὲ  
 λόγῳ χρησάμενος, ὡς πιστευθησόμενος εἰκῆ. καὶ  
 ὅταν μὲν ἔρηταί τις αὐτόν, εἰς τί τῶν ἐμῶν τοσαῦτα  
 χρήματ' ἀνήλωκε, χρέα φησὶν ὑπὲρ ἐμοῦ ἐκτετει-  
 κέναι καὶ πένητ' ἐνταυθοῖ ζητεῖ ποιεῖν· ὅταν δὲ  
 βούληται, πλούσιον, ὡς ἔοικεν, εἴπερ γε καὶ το-  
 σοῦτον ἐκείνος ἀργύριον οἴκοι κατέλιπεν. ὡς δ' οὐκ  
 ἀληθῆ λέγειν οἶόν τ' αὐτόν, ἀλλ' ἀδύνατόν τι γενέ-  
 55 σθαι τούτων, ἐκ πολλῶν ῥάδιον μαθεῖν. εἰ μὲν γὰρ  
 ὁ πατήρ ἠπίσται τούτοις, δῆλον ὅτι οὐτ' ἂν τ' ἄλλ'  
 ἐπέτρεπεν, οὐτ' ἂν ταῦθ' οὕτω καταλείπων αὐτοῖς  
 ἔφραζε· manía γὰρ δεινὴ τὰ κεκρυμμέν' εἰπεῖν, μηδὲ  
 τῶν φανερῶν μέλλοντ' ἐπιτρόπους καταστήσειν. εἰ  
 δ' ἐπίστευεν, οὐκ ἂν δήπου τὰ μὲν πλείστ' αὐτοῖς  
 τῶν χρημάτων ἐνεχείρισε, τῶν δ' οὐκ ἂν κυρίους  
 ἐποίησεν. οὐδ' ἂν τῆ μὲν μητρί μου ταῦτα φυλάτ-  
 [531] τειν ἔδωκεν, αὐτὴν δ' ἐκείνην ἐνὶ τῶν ἐπιτρόπων  
 τούτῳ γυναῖκ' ἔδωκεν· οὐ γὰρ ἔχει λόγον, σώζειν  
 μὲν τὰ χρήματα διὰ τῆς ἐμῆς μητρὸς ζητεῖν, ἕνα δὲ  
 τῶν ἀπιστουμένων καὶ αὐτῆς καὶ τῶν χρημάτων  
 56 κύριον ποιεῖν. ἔτι δέ, τούτων εἴ τι ἦν ἀληθές,  
 42

charge of them. He made this statement in order that, if I should assume that he would repeat it here, I might waste my time in refuting it, when I ought to be preferring the rest of my charges against him ; or if I should pass it over, not expecting him to repeat it, then he himself might now bring it up, in the hope that I, by seeming to be rich, might meet with less compassion from you. Yet he who dared to make 54 such a statement put in no evidence to prove it, but relied on his bare word, as though you would lightly give him credence. When one asks him upon what he has spent so much of my money, he says he has paid debts for me, and so represents me as poor ; yet, when it pleases him, he makes me rich, as it seems, seeing that my father left such a sum of money in the house. It is easy to see, however, from many considerations that he is lying, and that there is no basis of fact in this story. For if my father had no confidence 55 in these men, it is plain that he would neither have entrusted to them the rest of his property, nor, if he had left this money in the way alleged, would he have told them of it. It would have been the height of madness to tell them of hidden treasure, when he was not going to make them trustees even of his visible property. But if he had confidence in them, he would not, I take it, have given into their hands the bulk of his property, and not have put them in control of this. Nor would he have entrusted this remainder to my mother to keep, and then have given her herself in marriage to this man who was one of the guardians. For it is not reasonable that he should seek to secure the money through my mother, and yet to put one of the men whom he distrusted in control both of her and of it. Furthermore, if there were any truth in all this, 56

## DEMOSTHENES

οἶεσθ' οὐκ ἂν αὐτὴν λαβεῖν δοθεῖσαν ὑπὸ τοῦ πατρός; ὃς τὴν μὲν προῖκ' αὐτῆς ἤδη, τὰς ὀγδοήκοντα μνᾶς, ἔχων ὡς συνοικήσων αὐτῇ, τὴν Φιλωνίδου τοῦ Μελιτέως θυγατέρ' ἔγημε· τεττάρων δὲ ταλάντων ἔνδον ὄντων, καὶ ταῦτ' ἐκείνης ἐχούσης, ὡς οὗτός φησιν, οὐκ ἂν ἡγείσθ' αὐτὸν κἂν ἐπιδραμεῖν, ὥστε γενέσθαι μετ' ἐκείνης  
 57 αὐτῶν κύριον; ἢ τὴν μὲν φανεράν οὐσίαν, ἣν καὶ ὑμῶν πολλοὶ συνῆδεσαν ὅτι κατελείφθη, μετὰ τῶν συνεπιτρόπων οὕτως αἰσχροῦς διήρπασεν· ὧν δ' οὐκ ἡμέλλεθ' ὑμεῖς ἔσεσθαι μάρτυρες, ἀπέσχετ' ἂν ἐξὸν αὐτῷ λαβεῖν; καὶ τίς ἂν πιστεύσειεν; οὐκ ἔστι ταῦτ', ὧ ἄνδρες δικασταί, οὐκ ἔστιν, ἀλλὰ τὰ μὲν χρήμαθ', ὅσα κατέλιπεν ὁ πατήρ, πάντα τούτοις παρέδωκεν, οὗτος δ', ἵν' ἦττον ἐλεηθῶ παρ' ὑμῖν, τούτοις τοῖς λόγοις χρήσεται.

58 Πολλὰ μὲν οὖν ἔγωγ' ἔχω καὶ ἄλλα τούτου κατηγορεῖν· ἐν δὲ περὶ πάντων κεφάλαιον εἰπὼν, πάσας αὐτοῦ διαλύσω τὰς ἀπολογίας. τούτῳ γὰρ ἐξῆν μηδὲν ἔχειν τούτων τῶν πραγμάτων, μισθώσαντι τὸν οἶκον κατὰ τουτουσὶ τοὺς νόμους.

Λαβὲ τοὺς νόμους καὶ ἀνάγνωθι.

### NOMOI

[832] Κατὰ τούτους τοὺς νόμους Ἀντιδώρῳ μὲν ἐκ τριῶν ταλάντων καὶ τρισχιλίων ἐν ἑξ ἔτεσιν ἑξ τάλαντα καὶ πλεον ἐκ τοῦ μισθωθῆναι παρεδόθη, καὶ ταῦθ' ὑμῶν τινὲς εἶδον· Θεογένης γὰρ ὁ Προβαλίσιος, ὁ μισθωσάμενος αὐτοῦ τὸν οἶκον, ἐν τῇ

<sup>a</sup> Melité was a deme of the tribe Cecropis.

<sup>b</sup> Probalinthus was a deme of the tribe Pandionis.

do you suppose Aphobus would not have taken my mother to wife, bequeathed to him as she was by my father? He had already taken her marriage-portion—the eighty minae—as though he were going to marry her; but he subsequently married the daughter of Philonides of Melitê.<sup>a</sup> But if there had been four talents in the house and in her custody, as he alleges, don't you imagine he would have raced to get possession both of her and of them? Would he have joined 57 with his co-trustees in so shamefully plundering my visible property, which many of you knew had been left me, and have refrained, when he had the chance, from seizing a fund to the evidence of which you would not be able to testify? Who can believe this? It is impossible, men of the jury; it is impossible. No; my father entrusted to these men all the property which he left, and the defendant will tell this story, that I may meet with less compassion from you.

I have many other charges to make against him, 58 but summing them all up in one, I will break down every defence of his. He could have avoided all this trouble, had he let the estate in accordance with these laws.

Take the laws and read them.

#### THE LAWS

In the case of Antidorus, as a result of his property having been let in accordance with these laws, there was given over to him, at the end of six years, an estate of six talents and more from an original amount of three talents and three thousand drachmae; and this some of you have seen with your own eyes; for Theogenes of Probalinthus,<sup>b</sup> who leased the estate, counted out that sum

## DEMOSTHENES

- 59 ἀγορᾶ ταῦτα τὰ χρήματ' ἐξηρίθμησεν. ἐμοὶ δ' ἐκ τεττάρων καὶ δέκα ταλάντων ἐν δέκ' ἔτεσι πρὸς τὸν χρόνον τε καὶ τὴν ἐκείνου μίσθωσιν πλέον ἢ τριπλάσια κατὰ τὸ εἶκὸς προσῆκον γενέσθαι, τοῦτο διὰ τί οὐκ ἐποίησεν, ἐρωτᾷτ' αὐτόν. εἰ μὲν γὰρ βέλτιόν φησιν εἶναι μὴ μισθωθῆναι τὸν οἶκον, δεῖξάτω μὴ διπλάσια μηδὲ τριπλάσιά μοι γενενημένα, ἀλλ' αὐτὰ τὰ ἀρχαῖά μοι πάντ' ἀποδοδομένα. εἰ δ' ἐκ τεττάρων καὶ δέκα ταλάντων ἐμοὶ<sup>1</sup> μὲν μηδ' ἐβδομήκοντα μνᾶς παραδεδώκασιν, ὁ δὲ καὶ πρὸς ὀφείλοντά μ' αὐτῷ ἀπέγραψε, πῶς ἀποδέξασθαι τι προσήκει τούτων λεγόντων; οὐδαμῶς δῆπουθεν.
- 60 Τοσαύτης τοίνυν οὐσίας μοι καταλειφθείσης ὄσσην ἐξ ἀρχῆς ἠκούσατε, καὶ τοῦ τρίτου μέρους πρόσσοδον αὐτῆς φερούσης πεντήκοντα μνᾶς, ἐξὸν τούτοις τοῖς ἀπληστοτάτοις χρημάτων, καὶ εἰ μὴ μισθοῦν τὸν οἶκον ἐβούλοντο, ἀπὸ μὲν τούτων τῶν προσιόντων, ἐῶντας ὥσπερ εἶχε κατὰ χώραν, ἡμᾶς τε τρέφειν καὶ τὰ πρὸς τὴν πόλιν διοικεῖν, καὶ ὅσ'
- 61 ἐξ αὐτῶν περιεγίγνετο, ταῦτα προσπεριποιεῖν, τὴν δ' ἄλλην οὐσίαν ἐνεργὸν ποιήσασι, οὔσαν ταύτης διπλάσιαν, αὐτοῖς τ', εἰ χρημάτων ἐπεθύμουν, μέτρι' ἐξ αὐτῶν λαβεῖν, ἐμοί τε σὺν τοῖς ἀρχαίοις τὸν οἶκον ἐκ τῶν προσόδων μείζω ποιῆσαι, τούτων μὲν οὐδὲν ἐποίησαν, ἀποδόμενοι δ' ἀλλήλοις τὰ πλείστου
- [533] ἄξια τῶν ἀνδραπόδων, τὰ δὲ παντάπασιν ἀφανίσαντες, ἐμοῦ μὲν ἀνείλον καὶ τὴν ὑπάρχουσαν πρόσσοδον, σφίσι δ' αὐτοῖς οὐ μικρὰν ἐκ τῶν ἐμῶν
- 62 κατεσκευάσαντο. λαβόντες δὲ καὶ τᾶλλ' αἰσχυρῶς οὕτωςι πάντα, πλέον ἢ τὰ ἡμίσεια τῶν χρημάτων μηδὲ καταλειφθῆναι κοινῇ πάντες ἀμφισβητοῦσιν,

<sup>1</sup> ἐμοὶ] οἱ Blass.

in the market-place. But in my case, fourteen 59 talents in ten years, when consideration is given to the time and the terms of his lease, ought to have been more than trebled. Ask him why he did not do this. If he declares that it was better not to let the estate, let him show, not that it has been doubled or trebled, but that the mere principal has been paid back to me in full. But if out of fourteen talents they have handed over to me not even seventy minae, and one of them has actually recorded me as in his debt, how can it be right to accept any word they say? It is surely impossible.

Seeing that the fortune left me was of so great 60 value, as you heard at the beginning, the third part of it bringing in an income of fifty minae, these men, albeit insatiate in their greed, even if they refused to let the property, might out of this income and leaving the principal untouched, have maintained us, paid the taxes to the state, and saved the residue. The rest of the estate—an amount twice as large— 61 they might have invested profitably, and, if greedy for money, have taken a reasonable amount for themselves, and have increased my estate from the income, besides keeping the principal intact. Yet they did nothing of the sort. Instead, by selling to one another the most valuable of the slaves and by absolutely doing away with the rest, they destroyed the existing source of my income and secured a considerable one for themselves at my cost. Having 62 taken all the rest thus shamefully, they unite in maintaining that more than half of my property was never left to me at all. They have rendered

## DEMOSTHENES

ὡς πεντεταλάντου δὲ μόνον τῆς οὐσίας οὔσης ἐκ  
 τοσαύτης τοὺς λόγους ἀπειρηγόχασιν, οὐ πρόσοδον  
 μὲν ἐξ αὐτῶν οὐκ ἀποφαίνοντες, τὰ δὲ κεφάλαια  
 φανέρ' ἀποδεικνύντες, ἀλλ' αὐτὰ τὰ ἀρχαῖ' οὕτως  
 ἀναιδῶς ἀνηλῶσθαι φάσκοντες. καὶ οὐδ' αἰσχύ-  
 63 νονται ταῦτα τολμῶντες. καίτοι τί ποτ' ἂν ἔπαθον  
 ὑπ' αὐτῶν, εἰ πλείω χρόνον ἐπετροπεύθην; οὐκ ἂν  
 ἔχοιεν εἰπεῖν. ὅπου γὰρ δέκ' ἔτων διαγενομένων  
 παρὰ μὲν τῶν οὕτω μικρὰ κεκόμισμαι, τῷ δὲ καὶ  
 προσοφείλων ἐγγέγραμμαι, πῶς οὐκ ἄξιον διαγανα-  
 κτεῖν; δῆλον δὴ παντάπασιν· εἰ κατελείφθην μὲν  
 ἐνιαύσιος, ἐξ ἔτη δὲ προσεπετροπεύθην ὑπ' αὐτῶν,  
 οὐδ' ἂν τὰ μικρὰ ταῦτα παρ' αὐτῶν ἀπέλαβον. εἰ  
 γὰρ ἐκεῖν' ἀνήλωται ὀρθῶς, οὐδὲν ἂν τῶν νῦν  
 παραδοθέντων ἐξήρκεσεν εἰς ἕκτον ἔτος, ἀλλ' ἢ  
 64 ἀπολόμενον. καίτοι πῶς οὐ δεινόν, εἰ ἕτεροι μὲν  
 οἴκοι ταλαντιαῖοι καὶ διτάλαντοι καταλειφθέντες, ἐκ  
 τοῦ μισθωθῆναι διπλάσιοι καὶ τριπλάσιοι γεγόνασιν,  
 ὥστ' ἀξιούσθαι λητουργεῖν, ὁ δ' ἐμὸς τριηραρχεῖν  
 εἰθισμένος καὶ μεγάλας εἰσφορὰς εἰσφέρειν, μηδὲ  
 μικρὰς δυνήσεται διὰ τὰς τούτων ἀναισχυντίας;  
 τίνας δ' οὔτοι λελοίπασιν ὑπερβολὰς εἰπεῖν; οἱ καὶ  
 [834] τὴν διαθήκην ἠφανίσασιν ὡς λήσοντες, καὶ τὰς μὲν  
 σφετέρας αὐτῶν οὐσίας ἐκ τῶν ἐπικαρπιῶν διωκῆ-  
 κασι, καὶ τὰρχαῖα τῶν ὑπαρχόντων ἐκ τῶν ἐμῶν  
 πολλῶ μείζω πεποιήκασι, τῆς δ' ἐμῆς οὐσίας,  
 ὥσπερ τὰ μέγισθ' ὑφ' ἡμῶν ἀδικηθέντες, ὅλον τὸ  
 65 κεφάλαιον ἀνηρήκασιν; καὶ ὑμεῖς μὲν οὐδὲ τῶν εἰς

<sup>a</sup> That is, they have been classed among the wealthy citizens. See note *a* on p. 10, above.



an account as though the estate were one of five talents only ; they do not produce the principal, though reporting no income from it, but have the impudence to tell me that the capital itself has been expended. And for this audacity they feel no shame ! What, pray, would have been my plight, if I had continued longer as their ward ? They would have hard work to tell. For when, after the lapse of ten years, I have recovered so little from two of these men, and by the third am even set down as a debtor, have I not good ground for indignation ? Nay, it is wholly clear. If I had been left an orphan of a year old, and had been six years longer under their guardianship, I should never have recovered even the pitiful amounts I now have. For, if the expenditures they have made were justifiable, the sums they have handed over to me would not have lasted six years, but they would either have had to support me themselves or to have let me perish from hunger. Yet 64 is it not an outrage, if estates left to others of a value of one or two talents have as a result of letting been doubled or trebled, so that the owners have been called upon for state services,<sup>a</sup> while mine, which has been wont to equip triremes and to make large contributions in taxes, will be unable to contribute even small sums thanks to the shameless acts of these men ? What words are gross enough to describe their conduct ? They have done away with the will, thinking to avoid discovery, their own estates they have administered from the income, and have greatly increased their capital by drawing upon my funds, while, as for my own estate, they have destroyed my entire capital, as if in requital for some grievous wrong we had done them. You, on your part, do not 65

## DEMOSTHENES

ὕμᾱς ἀμαρτανόντων ὅταν τινὸς καταψηφίσησθε, οὐ πάντα τὰ ὄντ' ἀφείλεσθε, ἀλλ' ἢ γυναικας<sup>1</sup> ἢ παιδί' αὐτῶν ἐλεήσαντες μέρος τι κακείοις ὑπελίπετε· οὗτοι δὲ τοσοῦτον διαφέρουσιν ὑμῶν, ὥστε καὶ δωρείας παρ' ἡμῶν προσλαβόντες, ἵνα δικαίως ἐπιτροπεύσωσι, τοιαῦτ' εἰς ἡμᾶς ὑβρίκασι. καὶ οὐδ' ἠσχύνθησαν, εἰ μὴ ἠλέησαν τὴν ἐμὴν ἀδελφήν, εἰ δυοῖν ταλάντων ὑπὸ τοῦ πατρὸς ἀξιωθείσα, μηδενὸς τεύξεται τῶν προσηκόντων, ἀλλ' ὥσπερ ἔχθιστοί τινες, ἀλλ' οὐ φίλοι καὶ συγγενεῖς καταλειφθέντες, οὐδὲν τῆς οἰκειότητος ἐφρόντισαν.

66 Ἄλλ' ἐγὼ μὲν ὁ πάντων ταλαιπωρότατος πρὸς ἀμφοτέρ' ἀπορῶ, ταύτην θ' ὅπως ἐκδῶ καὶ τᾶλλ' ὀπόθεν διοικῶ. προσεπείκειται δ' ἡ πόλις ἀξιοῦσ' εἰσφέρειν, δικαίως· οὐσίαν γὰρ ἱκανὴν πρὸς ταῦτα κατέλιπέ μοι ὁ πατήρ. τὰ δὲ χρήματα τὰ καταλειφθένθ'

67 οὗτοι πάντ' εἰλήφασιν. καὶ νῦν κομίσασθαι τὰ μαυτοῦ ζητῶν εἰς κίνδυνον καθέστηκα τὸν μέγιστον. ἂν γὰρ ἀποφύγη μ' οὗτος, ὃ μὴ γένοιτο, τὴν ἐπωβελίαν ὀφλήσω μνᾶς ἑκατόν. καὶ τούτῳ μὲν, εἴαν καταψηφίσησθε, τιμητόν, κοῦκ ἐκ τῶν ἑαυτοῦ χρημάτων, ἀλλ' ἐκ τῶν ἐμῶν ποιήσεται τὴν ἔκτεισιν· ἐμοὶ δ' ἀτίμητον τοῦτ' ἔστιν, ὥστ' οὐ μόνον ἔσομαι τῶν πατρώων ἐστερημένος, ἀλλὰ καὶ πρὸς ἠτιμωμένος, ἂν μὴ νῦν ἡμᾶς ὑμεῖς ἐλεήσητε. δέομαι οὖν ὑμῶν,

68  
[835]

<sup>1</sup> γυναικας: γυναικ' Blass.

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<sup>a</sup> The plaintiff in a private suit who was so far from being able to prove his case that he did not receive a fifth part of the votes, was subject to a fine of one-sixth of the damages claimed (an obol for each drachma). Failure to pay entailed

## AGAINST APHOBUS, I. 65-68

act thus even toward those who sin against you : when you give judgement against any of them, you do not take away all that they have, but in pity for their wives and children you leave something even to these. But these men are so different from you that, although they had received legacies from us to make them administer their trust faithfully, they have done us these outrageous wrongs. They felt no touch of shame for their ruthlessness toward my sister, who, though my father left two talents as the dowry due her, will now get no fitting portion. Nay, they have recked nothing of kinship, as though they had been left to us, not as friends and kinsfolk, but as bitterest enemies.

For myself, I am the most wretched of men. <sup>66</sup>  
 I am helpless both to give my sister a portion and to maintain myself. Besides this, the state is pressing me hard, demanding taxes, and with right, for my father left me an estate large enough to pay them ; but these men have taken all the money left me. And now, in seeking to recover what is mine, <sup>67</sup>  
 I have come into the greatest peril ; for if the defendant is acquitted (which heaven forbid !) I shall have to pay one-sixth of the damages,<sup>a</sup> one hundred minae. The defendant, if you give judgement against him, will be liable for a sum to be determined, and will make payment, not out of his own funds, but out of mine ; while in my case the sum is fixed, so that I shall not only have been robbed of my inheritance, but shall also lose my civic rights, unless you now take pity on me. I beg you, therefore, men of the <sup>68</sup>

the loss of civic rights. Compare the next oration § 18, end. In the case of Aphobus, the amount for which he would be held liable, if he lost the suit, would be fixed by the court.

## DEMOSTHENES

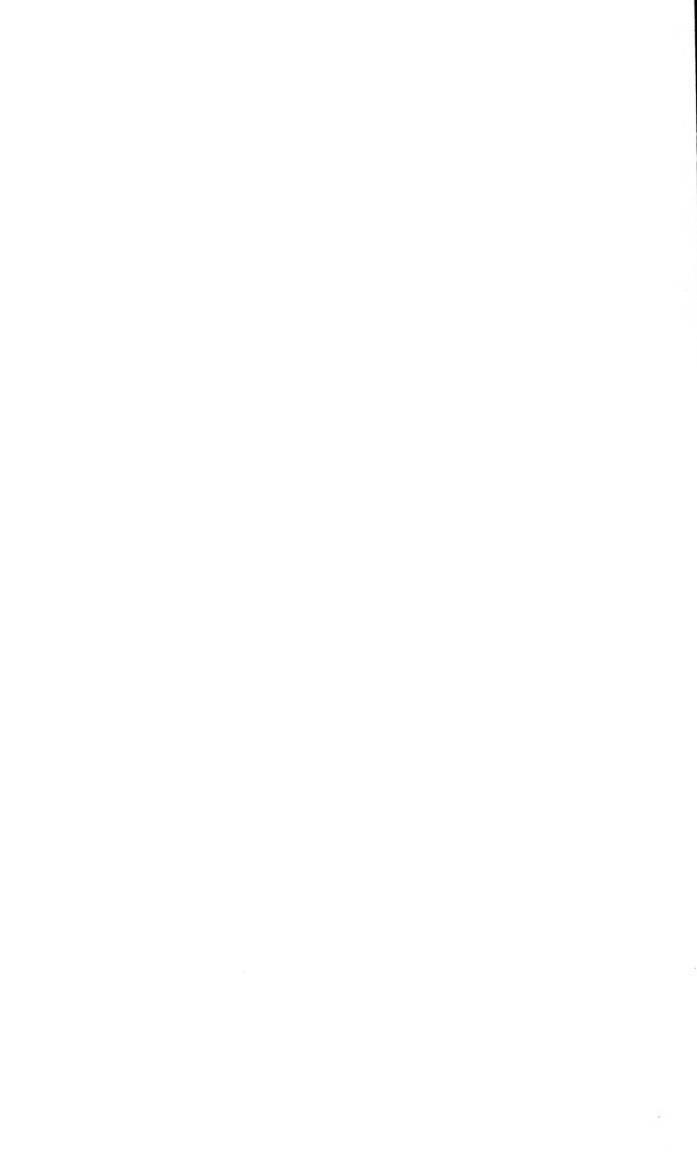
ὦ ἄνδρες δικασταί, καὶ ἱκετεύω καὶ ἀντιβολῶ, μνησθέντας καὶ τῶν νόμων καὶ τῶν ὄρκων, οὓς ὁμόσαντες δικάζετε, βοηθῆσαι ἡμῖν τὰ δίκαια, καὶ μὴ περὶ πλείονος τὰς τούτου δεήσεις ἢ τὰς ἡμετέρας ποιήσασθαι. δίκαιοι δ' ἔστ' ἔλεειν οὐ τοὺς ἀδίκους τῶν ἀνθρώπων, ἀλλὰ τοὺς παρὰ λόγον δυστυχοῦντας, οὐδὲ τοὺς ὡμῶς οὕτως τ' ἀλλότρι' ἀποστεροῦντας, ἀλλ' ἡμᾶς τοὺς πολὺν χρόνον ὧν ὁ πατήρ ἡμῖν κατέλιπε στερομένους καὶ πρὸς ὑπὸ τούτων ὑβριζομένους καὶ νῦν περὶ ἀτιμίας κινδυνεύοντας. μέγα δ' ἂν οἶμαι στενάξαι τὸν πατέρ' ἡμῶν, εἰ αἴσθοιτο τῶν προικῶν καὶ τῶν δωρειῶν, ὧν αὐτὸς τούτοις ἔδωκεν, ὑπὲρ τούτων τῆς ἐπωβελίας τὸν αὐτοῦ υἱὸν ἐμὲ κινδυνεύοντα, καὶ ἄλλους μὲν τινὰς ἤδη τῶν πολιτῶν οὐ μόνον συγγενῶν, ἀλλὰ καὶ φίλων ἀνδρῶν ἀπορούντων θυγατέρας παρὰ σφῶν αὐτῶν ἐκδόντας, "Ἄφοβον δὲ μηδ' ἦν ἔλαβε προικ' ἐθέλοντ' ἀποδοῦναι, καὶ ταῦτ' ἔτει δεκάτῳ.

AGAINST APHOBUS, I. 68-69

jury, I entreat, I implore you, to remember the laws and the oaths which you took as jurors, to render me the aid that is my due, and not to count the pleas of this man of higher worth than mine. It is your duty to show pity, not toward the guilty, but toward those in unmerited misfortune ; not upon those who so cruelly rob another of his goods, but upon me, who have for so long a time been deprived of my inheritance and treated with outrage by these men, and who am now in danger of losing my civic rights. Loudly methinks, would my father groan, should he 69 learn that I, his son, am in danger of being forced to pay the sixth part of the marriage-portions and legacies given by himself to these men ; and that, while others of our countrymen out of their own funds have dowered the daughters of impoverished kinsfolk and even friends, Aphobus refuses to pay back even the marriage-portion which he took, and that too in the tenth year.



AGAINST APHOBUS  
II





## INTRODUCTION

THIS second speech against Aphobus was delivered in reply to one which the latter had made, in which he had charged that Gylon, the maternal grandfather of Demosthenes, had been a debtor to the state. For that reason, he alleged, the father of Demosthenes had sought to conceal his fortune and had urged his executors to keep his will from coming to light.

Demosthenes' reply is the natural one that the question was not whether his grandfather had been thus indebted to the state, but whether the obligation still existed. That this was not the case, but that the indebtedness had been paid in full before Gylon's death he makes clear, and easily refutes the charge that his father sought to hide the fact of his wealth.

Precisely what the indebtedness was, and how it was incurred, are matters about which we lack definite information.

Gylon, we are told by Aeschines (*Against Ctesiphon*, §§ 172 f.) in the closing years of the Peloponnesian war, had betrayed to the enemy the harbour of Nymphaeum in the Tauric Chersonesus, and for this crime had been impeached by the Athenians. Not daring to stand trial he had fled to the Bosphorus, where, having received an estate as a reward for his treason, he had settled down. There he married a wealthy lady (Aeschines calls her a Scythian), who

## DEMOSTHENES

brought him a large dowry. By her he had two daughters, whom he subsequently sent with ample means to Athens. In Athens both of them found husbands. One wedded Demochares, and the other Demosthenes, the father of the orator, in defiance, Aeschines states, of the law whereby marriage with an alien entailed illegitimacy upon the children born of such a union. Aeschines therefore calls Demosthenes "a Scythian on his mother's side, a barbarian, Greek only in speech" (τὰ ἀπὸ τῆς μητρὸς Σκύθης, βάρβαρος ἑλληνίζων τῇ φωνῇ).

In weighing these statements we must remember the vicious habit of vilification so often indulged in by the Attic orators, and the glaring disregard of facts which often accompanied it. That Demosthenes was in truth an alien it is impossible to believe. Aeschines himself and the other enemies of the orator would surely have made capital out of such a charge, could it have been substantiated. It is easy to assume that Gylon wedded a Greek woman—the whole of the region about the Bosphorus was studded with Greek settlements—or the orator's mother may have been born before 403 B.C., the date when the law to which Aeschines alludes was enacted.

The charge, too, that Gylon was condemned to death for treason may also be a distortion of the truth. As to it Plutarch (*Demos.* iv.) was as much in the dark as we. It seems clear that it would have in any case been impossible for Athens to maintain her control over outlying stations, such as Nymphaeum, and to surrender it, not to "the enemy" but to a friendly power before it was forcibly taken by the Peloponnesians, may have seemed a venial offence, if not a stroke of wise policy. For his act

## AGAINST APHOBUS, II

Gylon may have been fined, or, if the harsher sentence was imposed, it may have been commuted. Otherwise Gylon would hardly have sent his daughters to reside in Athens. Aphobus makes no more serious charge than that Gylon was, or had been, a state-debtor ; which suggests a fine.

XXVIII  
ΚΑΤ' ΑΦΟΒΟΥ

B

Πολλὰ καὶ μεγάλ' ἐψευσμένου πρὸς ὑμᾶς Ἀφό-  
βου, τοῦτ' αὐτὸν ἐλέγξαι πειράσομαι πρῶτον, ἐφ'  
ὧ μάλιστ' ἠγανάκτησα τῶν ῥηθέντων. εἶπε γὰρ  
[836] ὡς ὁ πάππος ὤφειλε τῷ δημοσίῳ, καὶ διὰ ταῦθ' ὁ  
πατὴρ οὐκ ἐβούλετο μισθωθῆναι τὸν οἶκον, ἵνα μὴ  
κινδυνεύσῃ. καὶ τὴν μὲν πρόφασιν ποιεῖται ταύτην,  
ὡς δ' ὀφείλων ἐτελεύτησεν ἐκεῖνος, οὐδεμίαν παρ-  
έσχετο μαρτυρίαν· ἀλλ' ὡς μὲν ὠφλεν, ἐνεβάλετο  
τηρήσας τὴν τελευταίαν ἡμέραν, ταύτην δ' εἰς τὸν  
ὑστερον λόγον ὑπελίπετο, ὡς διαβαλεῖν τὸ πρᾶγμ'  
2 ἐξ αὐτῆς δυνησόμενος. εἰάν οὖν ἀναγνῶ, προσέχετ'  
αὐτῇ τὸν νοῦν· εὐρήσετε γὰρ οὐχ ὡς ὀφείλει με-  
μαρτυρημένον, ἀλλ' ὡς ὠφλεν. τοῦτ' οὖν ἐλέγξαι  
πειράσομαι πρῶτον, ἐφ' ᾧ φρονεῖ μάλιστα· ὁ καὶ

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<sup>a</sup> The property would be let at a public hearing before the Archon, and its value could not be concealed. If, therefore, the elder Demosthenes, as the heir of Gylon, was indebted to the state, the property might be confiscated to satisfy the debt.

<sup>b</sup> All documents, citations of statutes, etc., pertaining to the case had to be submitted in written form before the suit was called. They were then sealed in a box (ἐχίνος), which

## XXVIII

### AGAINST APHOBUS

#### II

OF the many outrageous lies which Aphobus uttered in his address to you, I shall try to refute first, that one at which I felt greater indignation than at anything else he said. For he declared that my grandfather was a debtor to the state, and that for this reason my father would not have the property let, for fear of the risks he would run.<sup>a</sup> This is the pretence he uses ; but he brought forward no proof that my grandfather died indebted to the state. He did introduce evidence that he became a state-debtor, but he waited until the last day,<sup>b</sup> and kept this evidence for his second speech, thinking that by it he would be able to give a malicious turn to the matter. So, if he reads it, give close heed. For you <sup>2</sup> will find that the evidence adduced proves not that my grandfather is a state-debtor, but that he was one. I shall undertake first to refute this charge of which he thinks to make so much, and which we

might not be opened until the documents in question were wanted in the trial. By waiting until the last day to file this particular bit of evidence Aphobus prevented Demosthenes from filing any documents to combat it. The latter was therefore "ensnared by lack of time" (§ 2).

## DEMOSTHENES

ἡμεῖς ἀμφισβητοῦμεν. εἰ μὲν οὖν τότε ἔξεγένετο καὶ μὴ τῷ χρόνῳ τοῦτ' ἐνηδρεύθημεν, παρεσχόμεθ' ἂν μάρτυρας, ὡς ἐξετείσθη τὰ χρήματα καὶ πάντ' αὐτῷ διελέλυτο τὰ πρὸς τὴν πόλιν· νῦν δὲ τεκμηρίοις μεγάλοις ἐπιδείξομεν, ὡς οὐτ' ὄφειλεν οὐτ' ἦν κίνδυνος οὐδεὶς ἡμῖν φανερὰ κεκτημένοις τὰ ὄντα.

- 3 Πρῶτον μὲν γὰρ Δημοχάρης, ἔχων ἀδελφὴν τῆς ἐμῆς μητρός, θυγατέρα δὲ Γύλωνος, οὐκ ἀποκέκρυπται τὴν οὐσίαν, ἀλλὰ χορηγεῖ καὶ τριηραρχεῖ καὶ τὰς ἄλλας λητουργίας λητουργεῖ καὶ οὐδὲν τῶν τοιούτων δέδοικεν. ἔπειτ' αὐτὸς ὁ πατὴρ τὴν τ' ἄλλην οὐσίαν καὶ τέτταρα τάλαντα καὶ τρισχιλίας φανερὰς ἐποίησεν, ἃς οὗτοι γραφῆναί τ' ἐν ταῖς διαθήκαις καὶ λαβεῖν σφᾶς αὐτοὺς κατ' ἀλλήλων
- 4 καταμαρτυροῦσιν. ἔτι δὲ καὶ αὐτὸς Ἄφοβος μετὰ τῶν συνεπιτρόπων τῇ πόλει τὸ πλῆθος τῶν καταλειφθέντων χρημάτων ἐμφανὲς ἐποίησεν, ἠγεμόνα με τῆς συμμορίας καταστήσας οὐκ ἐπὶ μικροῖς [837] τιμήμασιν, ἀλλ' ἐπὶ τηλικούτοις, ὥστε κατὰ τὰς πέντε καὶ εἴκοσι μνᾶς πεντακοσίας εἰσφέρειν. καίτοι τούτων εἴ τι ἦν ἀληθές, οὐδὲν ἂν αὐτῶν ἐποίησεν, ἀλλὰ πάντ' ἂν ἠὺλαβήθη. νῦν δὲ καὶ Δημοχάρης καὶ ὁ πατὴρ καὶ αὐτοὶ οὗτοι φαίνονται φανερὰ ποιοῦντες, καὶ οὐδένα τοιοῦτον κίνδυνον δεδιότες.
- 5 Πάντων δ' ἀτοπώτατόν ἐστι, λέγοντας ὡς ὁ πατὴρ οὐκ εἶα μισθοῦν τὸν οἶκον, τὴν μὲν διαθήκην μηδαμοῦ ταύτην ἀποφαίνειν, ἐξ ἧς ἦν εἰδέναι τὰκριβές,

<sup>a</sup> See the preceding oration, § 7, with the notes.

## AGAINST APHOBUS, II. 2-5

declare to be false. If I had been able to do so, and had not been thus ensnared by lack of time, I should have brought forward witnesses to prove that the money was paid in full, and that everything was settled between my grandfather and the state; as it is, I shall show by strong proofs that he was not indebted at the time of his death, and that we incurred no risks in letting our wealth be known.

In the first place Demochares, who married my <sup>3</sup> mother's sister, a daughter of Gylon, has not concealed his property, but acts as choregus and as trierarch, and performs other public services, without any fear of such consequences. In the second place, my father voluntarily revealed the rest of his property, and in particular the four talents and three thousand drachmae, which these men by their accusations against one another admit to have been mentioned in the will, and to have been received by them. Furthermore, Aphobus himself in conjunction with <sup>4</sup> his co-trustees revealed to the state the amount of the property left me, when he appointed me leader of the tax-group and that at no low rating, but at one so high as to entail a payment of five hundred drachmae on each twenty-five minae.<sup>a</sup> And yet, if there were any truth in what he says, he would not have acted thus, but would have taken every precaution. But, as it is, Demochares, and my father, and these men themselves have manifestly let their wealth be known; they plainly feared no such risk as that of which he speaks.

Strangest of all is it that, though they allege that <sup>5</sup> my father would not permit them to let the property, they should never produce this will from which one could have learned the truth, and that having de-

## DEMOSTHENES

τηλικαύτην δ' ἀνελόντας μαρτυρίαν οὕτως οἶεσθαι δεῖν εἰκῆ πιστεῦεσθαι παρ' ὑμῖν. ἀλλ' ἐχρῆν, ἐπειδὴ τάχιστ' ἐτελεύτησεν ὁ πατήρ, εἰσκαλέσαντας μάρτυρας πολλοὺς παρασημήνασθαι κελεῦσαι τὰς διαθήκας, ἵν' εἴ τι ἐγίγνετ' ἀμφισβητήσιμον, ἦν εἰς τὰ γράμματα ταῦτ' ἐπανελθεῖν καὶ τὴν ἀλήθειαν  
 6 πάντων εὐρεῖν. νῦν δ' ἕτερα μὲν παρασημήνασθαι ἠξίωσαν, ἐν οἷς πολλὰ τῶν καταλειπομένων οὐκ ἐγέγραπτο, ὑπομνήματα δ' ἦν· αὐτὴν δὲ τὴν διαθήκην, δι' ἧς καὶ τούτων ὧν ἐσημήναντο γραμμάτων καὶ τῶν ἄλλων ἀπάντων χρημάτων ἐγίγνοντο κύριοι, καὶ τοῦ μὴ μισθοῦν τὸν οἶκον τῆς αἰτίας ἀπελέλυντο, ταύτην δ' οὐκ ἐσημήναντο. οὐδ' αὐτὴν ἀπέδοσαν. ἄξιόν γε πιστεῦειν αὐτοῖς ὅ τι ἂν περὶ τούτων λέγωσιν.

7 Ἄλλ' ἔγωγ' οὐκ οἶδ' ὅ τι τοῦτ' ἔστιν. οὐκ εἶα μισθοῦν τὸν οἶκον οὐδ' ἐμφανῆ τὰ χρήματα ποιεῖν ὁ πατήρ. πότερον ἐμοί<sup>1</sup>; ἢ τῇ πόλει; φαίνεσθε μὲν γὰρ τούναντίον ἐκείνη μὲν φανερά ποιήσαντες, ἐμοὶ δὲ παντάπασιν ἀφανῆ πεποιηκότες, καὶ οὐδὲ ταῦτ' ἀποφαίνοντες, ἐξ ὧν τιμησάμενοι τὰς εἰσ-  
 [835] φορὰς εἰσεφέρετε. δείξατε γὰρ ταύτην τὴν οὐσίαν,  
 8 τίς ἦν καὶ ποῦ παρέδοτέ μοι καὶ τίνος ἐναντίον. τὰ μὲν γὰρ δύο τάλαντα καὶ τὰς ὀγδοήκοντα μνᾶς ἀπὸ τῶν τεττάρων τάλαντων καὶ τρισχιλίων ἐλάβετε, ὥστ' οὐδὲ ταύτας ὑπὲρ ἐμοῦ εἰς τὸ δημόσιον ἐτιμήσασθε· ὑμέτεραι γὰρ ἦσαν ἐν ἐκείνοις τοῖς χρόνοις. ἀλλὰ μὴν ἕκ γε τῆς οἰκίας καὶ τῶν τεττάρων καὶ δέκ' ἀνδραπόδων καὶ τῶν τριάκοντα μνῶν, ἃ μοι παρεδώκατε, τὴν εἰσφορὰν οὐχ οἶόν

<sup>1</sup> ἐμοί] ἐμοὶ ταῦτ' Blass.



stroyed so important a piece of evidence, they should expect you to believe them on their mere word. It was their duty on the contrary, as soon as my father died, to call in a number of witnesses and to bid them seal the will, so that, in case any dispute should arise, it would have been possible to refer to the writing itself, and so learn the whole truth. But, as 6 it is, they thought proper to have some other papers sealed, in which many items of the property left were not inscribed—papers which were mere memoranda ; but the will itself, which gave them possession of the papers to which they affixed their seals, and all the rest of the property, and which acquitted them of all responsibility for not letting the estate, they did not seal, nor yet produce. You ought presumably to believe them in anything they say about this matter.

I, for my part, cannot understand what it is they 7 mean. My father, they say, would not suffer them to let the estate, or to disclose the value of the property. To me, do you mean, or to the state ? Quite the contrary : you have plainly disclosed it to the state, but have hidden it absolutely from me. You have not even revealed the fund which was the basis for your assessment in the payment of the property-tax. Show me this fund. What was it ? Where did you deliver it over to me, and in whose presence ? Of the four talents and three thousand drachmae, 8 you received the two talents and eighty minae, so that you did not include even these in the return you made on my behalf to the public treasury ; for at that time they were your property. But the house and the fourteen slaves and the thirty minae which you gave over into my hands, could not have been

## DEMOSTHENES

τε γενέσθαι τοσαύτην, ὅσην ὑμεῖς συνετάξασθε πρὸς  
 9 τὴν συμμορίαν. ἀλλ' ἀνάγκη μεγάλη τὰ καταλει-  
 φθέντα, πολλῶ πλείον' ὄντα τούτων, πάνθ' ὑμᾶς  
 ἔχειν ἐστίν, ἃ φανερώς ὅτι διηρπάκατ' ἐξελεγχό-  
 μενοι τοιαῦτα πλάττεσθαι τολμᾶτε. καὶ τοτὲ μὲν  
 εἰς ἀλλήλους ἀναφέρετε, πάλιν δ' εἰληφέναι κατ'  
 ἀλλήλων μαρτυρεῖτε. φάσκοντες δ' οὐ πολλὰ  
 λαβεῖν, μεγάλων ἀναλωμάτων λόγους ἀπενηνόχατε.  
 10 πάντες δὲ κοινῇ μ' ἐπιτροπεύσαντες, ἰδία μετὰ  
 ταῦθ' ἕκαστοι μηχανᾶσθε. καὶ τὴν μὲν διαθήκην  
 ἠφανίκατε, ἐξ ἧς ἦν εἰδέναι περὶ πάντων τὴν ἀλή-  
 θειαν, φαίνεσθε δ' οὐδέποτε ταῦτὰ περὶ ἀλλήλων  
 λέγοντες.

Λαβὲ δὴ τὰς μαρτυρίας καὶ ἀνάγνωθ' αὐτοῖς  
 πάσας ἐφεξῆς, ἵνα μνησθέντες καὶ τῶν μεμαρτυρη-  
 μένων καὶ τῶν εἰρημένων ἀκριβέστερον γινώ-  
 σκωσι περὶ αὐτῶν.

### ΜΑΡΤΥΡΙΑΙ

11 Ταῦθ' οὗτοι πρὸς πεντεκαϊδεκακατаланτους οἴκους  
 συνετιμήσανθ' ὑπὲρ ἐμοῦ· μνῶν δ' οὐδ' ἑβδομήκοντ'  
 ἀξίαν μοι παραδεδώκασι τὴν οὐσίαν τρεῖς ὄντες.

Λέγε τὰς ἐφεξῆς.

[839]

### ΜΑΡΤΥΡΙΑΙ

Ταύτην τὴν προῖκα οἱ τ' ἐπίτροποι καταμαρτυ-  
 ροῦσιν αὐτὸν λαβεῖν, ἄλλοι τε πρὸς οὓς ἔχειν  
 ὠμολόγησε. ταύτην οὐτ' αὐτὴν οὔτε τὸν σῖτον  
 ἀποδέδωκεν.

Λάβ' ἄλλας καὶ ἀναγίνωσκε.

## AGAINST APHOBUS, II. 8-11

assessed at any such sum as that which you agreed to pay to the tax-group. Nay ; it is absolutely certain 9 that the property left by my father was much more than this, and that it is all in your possession. It is because you are plainly proved to have made havoc of it that you have the audacity to make up such falsehoods. Sometimes you refer the responsibility to one another ; again you mutually accuse one another of having received funds ; you claim to have received but little, yet you have made reports of large expenditures. You have acted jointly as my 10 guardians, but thereafter you scheme each one for himself. The will from which we could have learned the truth about everything you have made to disappear ; and it appears that you are never in agreement when you speak of one another.

Take the depositions and read them all in turn to the jury, that they may bear in mind the testimony that has been brought and the statements that have been made, and so reach a more correct decision.

### THE DEPOSITIONS

There you have the assessment to which these men 11 consented in my name, placing my estate in the class of those possessing fifteen talents, whereas the property which the three together have handed over to me is not worth seventy minae.

Read the next.

### THE DEPOSITIONS

This dowry, his possession of which is proved by the testimony of the trustees and of others to whom he confessed that he had received it, he has never paid back, nor has he furnished maintenance.

Take the others and read them.

## DEMOSTHENES

### ΜΑΡΤΥΡΙΑΙ

- 12 Δύ' ἔτη τὸ ἐργαστήριον διοικήσας, Θηριππίδῃ μὲν ἀποδέδωκε τὴν μίσθωσιν· ἐμοὶ δέ, δυοῖν ἐτοῖν λαβὼν τὴν πρόσοδον, τριάκοντα μνᾶς, οὔτ' αὐτὰς οὔτε τὸ ἔργον ἀποδέδωκεν.

Λάβ' ἐτέραν καὶ ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑ

Ταῦτα τὰνδράποδ' ὡς αὐτὸν λαβὼν οὔτος, καὶ τᾶλλα τὰ μετὰ τούτων ὑποτεθένθ' ἡμῖν, ἀνάλωμα μὲν εἰς αὐτὰ τοσοῦτο λελόγισται, λῆμμα δ' ἀπ' αὐτῶν οὐδ' ὀτιοῦν, καὶ αὐτοὺς δὲ τοὺς ἀνθρώπους ἠφάνικεν, οἱ δώδεκα μνᾶς ἀτελεῖς ἐκάστου τοῦ ἐνιαυτοῦ προσέφερον.

Λέγ' ἐτέραν.

### ΜΑΡΤΥΡΙΑ

- 13 Τοῦτον τὸν ἐλέφαντα καὶ τὸν σίδηρον πεπρακὼς οὐδὲ καταλειφθῆναί φησιν, ἀλλὰ καὶ τούτων τὴν τιμὴν ἀποστερεῖ με, μάλιστα τάλαντον.

Λέγε ταυτασί.

### ΜΑΡΤΥΡΙΑΙ

Ταῦθ' οὔτος τρία τάλαντα καὶ χιλίας ἔχει χωρὶς τῶν ἄλλων. καὶ τοῦ μὲν ἀρχαίου πέντε τάλαντ' εἴληφε· σὺν δὲ τοῖς ἔργοις, ἂν ἐπὶ δραχμῇ τις τιθῆ ἴκονον, πλεον ἢ δέκα τάλαντ' ἔχει.

Λέγε τὰς ἐφεξῆς.

### ΜΑΡΤΥΡΙΑΙ

- 14 Ταῦθ' οὔτοι γραφῆναί τ' ἐν ταῖς διαθήκαις καὶ λαβεῖν σφᾶς αὐτοὺς κατ' ἀλλήλων μαρτυροῦσιν.

## AGAINST APHOBUS, II. 12-14

### THE DEPOSITIONS

For two years he conducted the business of the 12 factory and paid to Therippides the hire of the slaves, but to me, though he took the profits for two years, amounting to thirty minae, he has turned over neither that sum nor the interest upon it.

Take and read the next.

### THE DEPOSITION

These slaves the defendant took to himself, together with all the other things given to us as surety with them. He has reckoned up so heavy an outlay for their maintenance, but absolutely nothing as profit from them; and the men themselves he has made to vanish, though they brought in a clear profit of twelve minae each year.

Read the next.

### THE DEPOSITION

After selling this ivory and iron, he declares that 13 none had been left me, but tries to defraud me of the value of these articles also, about a talent.

Read these.

### THE DEPOSITIONS

These three talents and one thousand drachmae he has in his hands besides the rest—five talents of capital of which he has taken possession. Adding the interest, if one reckons it at a drachma a month only, he holds more than ten talents.

Read the next ones.

### THE DEPOSITIONS

That these items were written in the will, and 14 were received by them, is proved by their testimony

## DEMOSTHENES

οὗτος δὲ καὶ μεταπεμφθῆναι φάσκων ὑπὸ τοῦ  
 [840] πατρός, καὶ ἔλθων εἰς τὴν οἰκίαν, εἰσελθεῖν μὲν οὐ  
 φησιν ὡς τὸν μεταπεμφάμενον, οὐδ' ὁμολογήσαι  
 περὶ τούτων οὐδέν, Δημοφῶντος δ' ἀκοῦσαι γραμ-  
 ματεῖον ἀναγιγνώσκοντος καὶ Θηριππίδου λέγοντος  
 ὡς ἐκείνος ταῦτα διέθετο, καὶ προεισεληλυθὼς καὶ  
 ἅπαντα διωμολογημένος πρὸς τὸν πατέρα, ἅπερ  
 15 ἐκείνος γράψας κατέλιπεν. ὁ γὰρ πατήρ, ὧ ἄνδρες  
 δικασταί, ὡς ἦσθετο τὴν νόσον οὐκ ἀποφευξόμενος,  
 συγκαλέσας τούτους τρεῖς ὄντας, καὶ συμπαρα-  
 καθισάμενος Δήμωνα τὸν ἀδελφόν, τὰ σώμαθ'  
 ἡμῶν εἰς τὰς χεῖρας ἐνέθηκε παρακαταθήκην ἐπ-  
 ονομάζων, τὴν μὲν ἀδελφὴν Δημοφῶντι καὶ δύο  
 τάλαντα προῖκα διδοὺς εὐθύς, καὶ γυναῖκ' αὐτῷ  
 ταύτην ἐγγυῶν, ἐμὲ δὲ πᾶσι κοινῇ μετὰ τῶν χρη-  
 μάτων παρακατατιθέμενος, καὶ ἐπισκῆπτων μι-  
 σθῶσαί τε τὸν οἶκον καὶ διασῶσαί μοι τὴν οὐσίαν,  
 16 διδοὺς ἅμα Θηριππίδῃ τε τὰς ἐβδομήκοντα μνᾶς,  
 καὶ τούτῳ τὴν τ' ἐμὴν μητέρ' ἐγγυῶν ἐπὶ ταῖς  
 ὀγδοήκοντα μναῖς, κάμ' εἰς τὰ τούτου γόνατα  
 τιθείς· ὧν οὗτος ὁ πάντων ἀνθρώπων ἀνοσιώτατος  
 οὐδένα<sup>1</sup> λόγον ἐποίησατο, κύριος τῶν ἐμῶν γενό-  
 μενος ἐπὶ τούτοις, ἀλλὰ τὰ χρήματά με<sup>2</sup> πάντ'  
 ἀπεστερηκὼς μετὰ τῶν συνεπιτρόπων, ἐλεεῖσθαι  
 νῦν ὑφ' ὑμῶν ἀξιῶσει, μνῶν οὐδ' ἐβδομήκοντ' ἄξια  
 17 πάλιν ἐπιβεβουλευκῶς. ὡς γὰρ τὰς δίκας ταύτας  
 ἔμελλον εἰσιέναι κατ' αὐτῶν, ἀντίδοσιν ἐπ' ἐμὲ  
 παρεσκεύασαν, ἵν' εἰ μὲν ἀντιδοίην, μὴ ἐξείη μοι

<sup>1</sup> οὐδένα] οὐδενὸς Blass.

<sup>2</sup> με omitted by Blass.

<sup>a</sup> See note a on p. 4.

against one another. But Aphobus, though admitting that he was sent for by my father, and though he came to the house, declares that he did not come into the presence of my father, who had sent for him, nor enter into any agreement in regard to these matters, but merely heard Demophon read a document and Therippides say that my father made these arrangements; whereas in fact he was the first to go in and had agreed with my father to carry out in all respects precisely what he wrote in his will. For my father, men 15  
 of the jury, when he saw that he was not to recover from his sickness, called together these three men, and causing his brother Demon to sit with them by his side, placed our persons in their hands, calling us a sacred deposit. My sister he gave to Demophon with a dowry of two talents to be paid at once, and betrothed her to him in marriage; me, together with my property, he committed to the care of them all in common, charging them to let the property, and by their joint efforts to preserve the estate for me. At 16  
 the same time he gave to Therippides the seventy minae, and betrothed my mother to the defendant with her portion of eighty minae, and placed me on his knees. To all this Aphobus, the most impious of men, has paid no heed, although these were the terms upon which he became possessed of my estate. Nay, after joining with his co-trustees in robbing me of everything, he will now claim your compassion, although what he with the two others has paid back to me does not amount even to seventy minae, and even this he is plotting to get back again. For when I 17  
 was on the point of instituting this suit against them they attacked me by having an exchange of estates tendered me,<sup>a</sup> in order that, if I accepted it, I might

## DEMOSTHENES

[841] πρὸς αὐτοὺς ἀντιδικεῖν, ὡς καὶ τῶν δικῶν τούτων τοῦ ἀντιδόντος γιγνομένων, εἰ δὲ μηδὲν τούτων ποιοίην, ἴν' ἐκ βραχείας οὐσίας λητουργῶν παντάπασιν ἀναιρεθείην. καὶ τοῦτ' αὐτοῖς ὑπηρέτησε Θρασύλοχος ὁ Ἀναγυράσιος· ᾧ τούτων οὐδὲν ἐνθυμηθεὶς ἀντέδωκα μὲν, ἀπέκλεισα δ' ὡς διαδικασίας τευξόμενος· οὐ τυχῶν δὲ ταύτης, τῶν χρόνων ὑπογύων ὄντων, ἵνα μὴ στερηθῶ τῶν δικῶν, ἀπέτεισα τὴν λητουργίαν ὑποθεὶς τὴν οἰκίαν καὶ τὰ μαντοῦ πάντα, βουλόμενος εἰς ὑμᾶς εἰσελθεῖν τὰς πρὸς τουτουσὶ δίκας.

18 Ἄρ' οὐ μεγάλα μὲν ἐξ ἀρχῆς ἠδίκημαι, μεγάλα δ', ὅτι δίκην ζητῶ λαβεῖν, νῦν ὑπ' αὐτῶν βλάπτομαι; τίς δ' οὐκ ἂν ὑμῶν τούτῳ μὲν φθονήσειε δικαίως, ἡμᾶς δ' ἐλεήσειεν, ὄρων τῷ μὲν πρὸς τῇ οὐσίᾳ τῇ παραδοθείσῃ πλεῖν ἢ δέκα ταλάντων τὴν ἐμὴν τοσαύτην οὖσαν προσγεγεννημένην, ἡμᾶς δὲ μὴ μόνον τῶν πατρῶων διημαρτηκότας, ἀλλὰ καὶ τῶν νῦν παραδοθέντων διὰ τὴν τούτων πονηρίαν ἀπестερημένους; ποῖ δ' ἂν τραποίμεθα, εἴ τι ἄλλο ψηφίσαισθ' ὑμεῖς περὶ αὐτῶν; εἰς τὰ ὑποκείμενα τοῖς δανείσασιν; ἀλλὰ τῶν ὑποθεμένων ἐστίν. ἀλλ'

<sup>a</sup> That is, they hoped that the exchange of properties, if carried out, would transfer to Thrasylochus also the claims of Demosthenes against them, and so debar the latter from taking further action.

<sup>b</sup> Thrasylochus was the brother of the Meidias against whom Demosthenes brought action for assault (see Oration XXI.). Anagyrus was a deme of the tribe Eretheis.

<sup>c</sup> If the exchange of properties was accepted, either party had the right to enter and search the house and land of the other. Demosthenes denies this right to Thrasylochus, hoping that he might win a decision from the generals, before



## AGAINST APHOBUS, II. 17-18

not be allowed to pursue my action against them,<sup>a</sup> since (they thought) this suit would then belong to the one tendering the exchange; and if I did not do so, I might undertake the service with slender means, and so be absolutely ruined. In this matter Thrasylochus of Anagyrus<sup>b</sup> was their tool. I, with no thought of the consequences, accepted the exchange with him, but excluded him from the premises hoping to win a court decision,<sup>c</sup> but, failing of this, and being hard pressed for time, rather than be forced to give up my suit, I mortgaged my house and all my property, and paid the cost of the service in question,<sup>d</sup> being eager to bring before you my suit against these men.

Is not the wrong I have suffered from the beginning 18 great indeed, and great the harm they are striving to do me now, because I seek to obtain redress? Who of you would not rightly feel indignation against this man and pity for me, seeing that to the estate of more than ten talents which he inherited there has been added my own of such considerable size, while I have not only been defrauded of my inheritance, but am by the rascality of these men being robbed even of what they have now repaid me? To what are we to turn, if you give a different decision regarding them? To the goods mortgaged to our creditors? But they belong to the holders of whom such cases were heard, as to whether or not his claim against his guardians would pass to Thrasylochus together with his visible property. From the oration against Meidias we learn that Meidias and Thrasylochus came jointly to Demosthenes' house, and with great violence forced themselves even into the women's apartments before they were finally ejected.

<sup>d</sup> The service was the trierarchy, and the cost entailed amounted to twenty minae.

## DEMOSTHENES

εἰς τὰ περιόντ' αὐτῶν; ἀλλὰ τούτου γίγνεται, τὴν  
 19 ἐπωβελίαν ἐὰν ὄφλωμεν. μηδαμῶς, ὦ ἄνδρες  
 δικασταί, γένησθ' ἡμῖν τοσοῦτων αἴτιοι κακῶν·  
 μηδὲ τὴν μητέρα καμὲ καὶ τὴν ἀδελφὴν ἀνάξια  
 παθόντας περιύδητε, οὓς ὁ πατὴρ οὐκ ἐπὶ ταύταις  
 ταῖς ἐλπίσι κατέλιπεν, ἀλλὰ τὴν μὲν ὡς Δημοφῶντι  
 συνοικήσουσαν ἐπὶ δυοῖν ταλάντοις προικί, τὴν  
 [842] δ' ἐπ' ὀγδοήκοντα μναῖς τούτῳ τῷ σχετλιωτάτῳ  
 πάντων ἀνθρώπων, ἐμὲ δ' ὑμῖν διάδοχον ἀνθ' αὐτοῦ  
 20 τῶν λητουργιῶν ἐσόμενον. βοηθήσατ' οὖν ἡμῖν,  
 βοηθήσατε, καὶ τοῦ δικαίου καὶ ὑμῶν αὐτῶν ἕνεκα  
 καὶ ἡμῶν καὶ τοῦ πατρὸς τοῦ τετελευτηκότος.  
 σώσατ', ἐλέησατε, ἐπειδὴ μ' οὔτοι συγγενεῖς ὄντες  
 οὐκ ἠλέησαν. εἰς ὑμᾶς καταπεφεύγαμεν. ἰκετεύω,  
 ἀντιβολῶ πρὸς παίδων, πρὸς γυναικῶν, πρὸς τῶν  
 ὄντων ἀγαθῶν ὑμῖν. οὕτως ὄναισθε τούτων, μὴ  
 περιύδητέ με, μηδὲ ποιήσητε τὴν μητέρα καὶ τῶν  
 ἐπιλοίπων ἐλπίδων εἰς τὸν βίον στερηθεῖσαν ἀνάξιον  
 21 αὐτῆς τι παθεῖν· ἢ νῦν μὲν οἴεται τυχόντα με τῶν  
 δικαίων παρ' ὑμῖν ὑποδέξεσθαι καὶ τὴν ἀδελφὴν  
 ἐκδώσειν· εἰ δ' ὑμεῖς ἄλλο τι γνώσεσθε, ὃ μὴ  
 γένοιτο, τίν' οἴεσθ' αὐτὴν ψυχὴν ἔξειν, ὅταν ἐμὲ μὲν  
 ἴδη μὴ μόνον τῶν πατρῶων ἀπεστερημένον, ἀλλὰ  
 καὶ πρὸς ἠτιμωμένον, περὶ δὲ τῆς ἀδελφῆς μηδ'  
 ἐλπίδ' ἔχουσιν ὡς τεύξεταί τις τῶν προσηκόντων  
 22 διὰ τὴν ἐσομένην ἀπορίαν; οὐκ ἄξιός, ὦ ἄνδρες  
 δικασταί, οὗτ' ἐγὼ δίκης ἐν ὑμῖν μὴ τυχεῖν, οὐθ'  
 οὗτος τοσαῦτα χρήματ' ἀδίκως κατασχεῖν. ἐμοῦ

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<sup>a</sup> See note *a* on the preceding oration, p. 50. The entire property of the plaintiff would be exhausted in payment of the damages imposed.

the mortgage. To what is left after the creditors are paid? But that becomes the property of the defendant, if you condemn me to pay an obol on each drachma.<sup>a</sup> Do not, men of the jury, be to us the 19 cause of such deep distress; do not allow my mother, my sister and myself to suffer undeserved misfortunes. It was not to prospects such as these that my father left us. Nay, my sister was to be the wife of Demophon with a dowry of two talents, my mother the wife of this most ruthless of all men with a dowry of eighty minae, and I as my father's successor was to perform state services as he had done. Succour us, then, 20 succour us, for the sake of justice, for your own sakes, for ours, and for my dead father's sake. Save us; have compassion on us; since these, our relatives, have felt no compassion. It is to you that we have fled for protection. I beseech you. I implore you by your children, by your wives, by all the good things you possess. So may heaven give you joy of them, do not look upon me with indifference; nor cause my mother, deprived of the hopes in life that are left her, to suffer a lot unworthy of her. She 21 now thinks that she is to welcome me home after I have won a just verdict from you, and that my sister will not be portionless. But, if you decide adversely (which may heaven forbid) what, think you, will be her anguish of soul when she sees me not only robbed of my patrimony, but disenfranchised as well, and has no hope that my sister will find an establishment that befits her station because of the poverty that will be ours? I have not deserved, men of the jury, to fail 22 of justice at your hands, nor has Aphobus deserved that he should retain all the money that he has wrongfully taken. Regarding myself, even though you have

## DEMOSTHENES

μὲν γὰρ εἰ καὶ μήπω πείραν εἰλήφατε, ποῖός τις ἂν εἰς ὑμᾶς εἶην, ἐλπίζειν προσήκει μὴ χείρω τοῦ πατρὸς ἔσεσθαι. τούτου δὲ πείραν ἔχετε, καὶ σαφῶς ἴσθ' ὅτι πολλὴν οὐσίαν παραλαβών, οὐ μόνον οὐδὲν πεφιλοτίμηται πρὸς ὑμᾶς, ἀλλὰ καὶ τ'ἀλλότρι' ἀποστερῶν ἀποδέδεικται.<sup>1</sup>

23 Ταῦτ' οὖν σκοποῦντες καὶ τ'ἄλλα μνησθέντες, ἧ δίκαιόν ἐστι, ταύτῃ ψηφίσασθε. πίστεις δ' ἔχεθ' [843] ἱκανὰς ἐκ μαρτύρων, ἐκ τεκμηρίων, ἐκ τῶν εἰκότων, ἐξ ὧν οὗτοι λαβεῖν ὁμολογοῦντες ἀθρόα τὰμά, ταῦτ' ἀνηλωκέαι φασὶν οὐκ ἀνηλωκότες, ἀλλ' αὐτοὶ πάντ' ἔχοντες.

24 Ὡν ἐνθυμουμένους χρὴ ποιήσασθαι τιν' ἡμῶν πρόνοιαν, εἰδότας ὅτι ἐγὼ μὲν τὰμαντοῦ δι' ὑμῶν κομισάμενος, εἰκότως λητουργεῖν ἐθελήσω, χάριτας ὀφείλων ὅτι μοι δικαίως ἀπέδοτε τὴν οὐσίαν, οὗτος δ', ἐὰν αὐτὸν ποιήσητε τῶν ἐμῶν κύριον, οὐδὲν ποιήσει τοιοῦτον. μὴ γὰρ οἴεσθ' αὐτόν, ὑπὲρ ὧν ἤρνηται μὴ λαβεῖν, ὑπὲρ τούτων ὑμῖν λητουργεῖν ἐθελήσειν, ἀλλ' ἀποκρύψεσθαι μᾶλλον, ἵνα δικαίως ἀποπεφευγέαι δοκῇ.

<sup>1</sup> ἀποδέδεικται] ἐπιδέδεικται Blass.

as yet had no experience to prove what manner of man I am in my relations to you, yet it is fair to expect that I shall not be worse than my father; but of this man you have had experience, and you know well that, though he inherited a large estate, he has shown no generosity toward you, but has been proven to be a defrauder of others.

Look, then, to this, and bear in mind the other facts ; 23  
and then cast your vote on the side of justice. You have evidence that is adequate, evidence from witnesses, from depositions, from probabilities, from the statements of these men themselves who acknowledge that they took possession of my entire estate. They say they have spent it, but they have not spent it ; they have it all in their own possession.

All these things should be in your minds, and you 24  
should show some consideration for us, knowing that, if I recover my property through your aid, I shall naturally be ready to undertake public services, being grateful to you for rightfully restoring to me my estate ; while this fellow, if you make him master of my goods, will do nothing of the kind. Do not imagine that he will be ready to undertake public services for you on behalf of property which he denies having received. Nay ; he will conceal it rather, that it may appear that he was justly acquitted.



AGAINST APHOBUS

III

## INTRODUCTION

THIS oration was delivered in defence of a certain Phanus, whom Aphobus had charged with giving false testimony, hoping doubtless for a reversal of the adverse judgement given against himself.

The facts lying behind the charge are these :

Aphobus, before the suit was decided against him, had called upon Demosthenes to surrender Milyas, who had been foreman of the sword-factory (see Oration XXVII. § 19), to be examined by torture. This Demosthenes refused to do, stating that Milyas was no longer a slave, having been set free by the elder Demosthenes on his death-bed. Moreover he called upon Phanus, Philip, and Aesius, brother of Aphobus, to prove that, when questioned by the official arbitrator, Aphobus had admitted that Milyas was a freeman. Aphobus then brought suit against Phanus and Philip for giving this testimony, alleging that it was false.

Demosthenes naturally took up the defence of Phanus, for a judgement against him might have seemed to invalidate the decision of the court in his own suit against Aphobus, and have necessitated a new trial. He argues, therefore, that the testimony of Phanus was true, and claims that, even if it had been false, the fact should not prejudice his own case, for any testimony Milyas might have given would



### AGAINST APHOBUS, III.

have had little bearing on the question of Aphobus's guilt or innocence.

On this speech see Schaefer, iii.<sup>2</sup> pp. 82 ff., and Blass, iii. pp. 232 ff. It is also discussed by Professor G. M. Calhoun in the *Transactions of the American Philological Association* for 1934, pp. 80 ff. This scholar shows how far from compelling are the arguments advanced against its authenticity.

## XXIX

ΠΡΟΣ ΑΦΟΒΟΝ ΥΠΕΡ ΦΑΝΟΥ  
ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ

## Γ

Εἰ μὴ πρότερόν μοι δίκης γενομένης πρὸς Ἄφοβον, ὦ ἄνδρες δικασταί, συνήδειν πολλῶ τούτων μείζω καὶ δεινότερ' αὐτοῦ ψευσαμένου ῥαδίως ἐξελέγξας διὰ τὴν περιφάνειαν τῶν ἀδικημάτων, θαυμασίως ἂν ὡς ἠύλαβούμην, μὴ καὶ νῦν οὐ δυνηθῶ δεῖξαι, πῆ παρακρούεται ποθ' ἕκασθ' ὑμᾶς αὐτῶν. νῦν δέ, σὺν θεοῖς εἰπεῖν, ἄνπερ ἴσοι καὶ κοινοὶ γένησθ' ἀκροαταί, πολλὰς ἐλπίδας ἔχω μηδὲν ἦττον ὑμᾶς τὴν ἀναίδειαν τὴν τούτου γνώσεσθαι τῶν πρότερον δικασάντων. καὶ ταῦτ' εἰ μὲν ἐδεῖτο λόγου τινὸς ἢ ποικιλίας, ἔγωγε κατώκνου ἂν τὴν ἐμαυτοῦ καταμεμφόμενος ἡλικίαν· νῦν δ' ἀπλῶς δεῖ διδάξαι καὶ διηγῆσασθαι τὰ τούτῳ πεπραγμένα περὶ ἡμῶν· ἐκ δὲ τούτων οἶμαι πᾶσιν ὑμῖν εὐγνωστον ἔσεσθαι, πότερός ποθ' ἡμῶν ἐσθ' ὁ πονηρός.

- 2 Οἶδα μὲν οὖν ὅτι τὴν δίκην οὗτος εἴληχε ταύτην, οὐχὶ τῷ τὰ ψευδῆ τιν' αὐτοῦ καταμεμαρτυρηκένα ἐξελέγξειν πιστεύων, ἀλλ' ἡγούμενος διὰ τὸ μέ-
- [845] γεθος τοῦ τιμήματος τῆς δίκης, ἣν ὠφλεν, ἐμοὶ μὲν

## XXIX

### AGAINST APHOBUS IN DEFENCE OF PHANUS CHARGED WITH GIVING FALSE TESTIMONY

#### III

IF I were not conscious, men of the jury, that in a former suit against Aphobus I had readily (so absolutely manifest were his wrongdoings) convicted him of lies greater and more outrageous than these which he now utters, I should have grave doubts of my ability to show how he seeks to lead you astray in regard to each one of them. As it is, however (be it said with the favour of heaven), if you prove fair and impartial hearers, I have strong hopes that you will become as fully aware of the shamelessness of this man as were the jurors in the former trial. If the case required eloquence or cleverness I should shrink through distrust of my youth; but, as matters are, I need merely point out and rehearse to you what the plaintiff's conduct toward us has been. From this it will be easy, I think, for all of you to determine which of us is the villain.

I know that the plaintiff has instituted this suit, not because he believes he can convict anyone of having borne false witness against him, but because he thinks that the large amount of damages which he was condemned to pay will give rise to a feeling

## DEMOSTHENES

ἂν γενέσθαι τινὰ φθόνον, αὐτῶ δ' ἔλεον. καὶ διὰ  
 ταῦτα περὶ τῆς γεγενημένης δίκης νῦν ἀπολογεῖται,  
 περὶ ἧς τότε οὐδὲν ἔσχε δίκαιον εἰπεῖν. ἐγὼ δ', ὦ  
 ἄνδρες δικασταί, εἰ μὲν ἐπεπράγμην τοῦτον τὴν  
 δίκην ἢ μηδὲν ἤθελον μέτριον συγχωρεῖν, ἠδίκουν  
 μὲν οὐδ' ἂν οὕτως, τὰ παρ' ὑμῖν γνωσθέντα πραττό-  
 μενος αὐτόν, ὅμως δ' ἂν εἶχε τις εἰπεῖν, ὡς λίαν  
 ὠμῶς καὶ πικρῶς ὄντα συγγενῇ τοῦτον ἐκ τῆς  
 3 οὐσίας ἀπάσης<sup>1</sup> ἐκβέβληκα. νῦν δὲ τοῦναντίον  
 ἐστίν· οὗτος ἐμὲ τῶν πατρῶων ἀπάντων μετὰ τῶν  
 συνεπιτρόπων ἀπεστέρηκε, καὶ οὐδ' ἐν ὑμῖν φα-  
 νερῶς ἐξελεγχθεὶς οἶεται δεῖν οὐδὲν τῶν μετρίων  
 ποιεῖν, ἀλλὰ διασκευασάμενος τὴν οὐσίαν, καὶ  
 παραδοὺς τὴν μὲν συνοικίαν Αἰσίῳ, τὸν δ' ἀγρὸν  
 Ὀνήτορι, πρὸς μὲν ἐκείνους δίκην καὶ πράγματ'  
 ἔχειν ἐμὲ πεποίηκεν, ἐκ δὲ τῆς οἰκίας αὐτὸς τὰ  
 σκεύη λαβὼν καὶ τὰνδράποδ' ἐξαγαγὼν καὶ τὸν  
 λάκκον συντρίψας καὶ τὰ θυρώματ' ἀποσπάσας καὶ  
 μόνον οὐκ αὐτὴν τὴν οἰκίαν ἐμπρήσας, Μέγαράδ'  
 ἐξώκηκε κακεῖ μετοίκιον τέθηκεν. ὥστε πολὺ ἂν  
 δικαιότερον διὰ ταῦτα τὰ ἔργα τοῦτον μισήσαιτε,  
 ἢ ἐμοῦ τιν' ἀνεπιείκειαν καταγνοίητε.

4 Περὶ μὲν οὖν τῆς αἰσχροκερδείας τῆς τούτου  
 καὶ μιαρίας ὕστερόν μοι δοκεῖ διεξελθεῖν πρὸς ὑμᾶς·  
 καὶ νῦν δ' ὡς ἐν κεφαλαίοις ἀκηκόατε· περὶ δὲ  
 τῶν μεμαρτυρημένων, ὡς ἔστιν ἀληθῆ, περὶ ὧν περ  
 οἴσετε τὴν ψῆφον, ἤδη πειράσομαι διδάσκειν ὑμᾶς.

<sup>1</sup> ἀπάσης omitted by Blass.

of prejudice against me, and of compassion toward himself. For this reason he is now seeking to defend himself against charges made in a suit that has already been decided, regarding which he had at the time no reasonable defence to make. I, for my part, men of the jury, if I had proceeded to execute the judgement against him and had been unwilling to make any reasonable concession, should even so have done no wrong in exacting the damages awarded by your decision; but for all that it might have been said that I had shown undue ruthlessness and enmity toward a man who is a relative in depriving him of all his property. But, as it is, the precise contrary <sup>3</sup> is the truth. This man with his co-trustees has robbed me of my entire patrimony, and, even after being clearly convicted in your court, he does not consider himself obliged to do anything reasonable. On the contrary he has dispersed his property, giving his farm-buildings to Aesius and his farm to Onetor, against whom he has forced me to engage in a troublesome lawsuit. He himself stripped the house of its furniture, took away the slaves, destroyed the wine-vat, tore off the doors, and all but set fire to the house itself; then he made off to Megara, where he has settled and paid the alien's tax. You would, therefore, with better ground loathe this man for deeds like these, than judge me guilty of undue severity.

Regarding the rapacity and vile character of the <sup>4</sup> plaintiff I purpose to speak at length before you later on, though what you have even now heard gives you a fair idea of it. But I shall now undertake to show you, that the testimony which has been given, about which you are going to cast your votes, is true. But

## DEMOSTHENES

δέομαι δ' ὑμῶν, ὦ ἄνδρες δικασταί, δικαίαν δέησιν,  
 [846] ἐξ ἴσου ἡμῶν ἀμφοτέρων ἀκοῦσαι. τοῦτο δ' ἐστὶ  
 καὶ ὑπὲρ ὑμῶν ὁμοίως· ὅσω γὰρ ἂν ἀκριβέστερον τὰ  
 πεπραγμένα μάθητε, τοσοῦτῳ δικαιοτέραν καὶ εὐ-  
 5 ορκοτέραν θήσεσθε τὴν ψῆφον περὶ αὐτῶν. ἐπι-  
 δείξω δὲ τοῦτον οὐ μόνον ὠμολογηκότ' εἶναι τὸν  
 Μιλύαν ἐλεύθερον, ἀλλὰ καὶ φανερόν τοῦτ' ἔργω  
 πεποιηκότα, καὶ πρὸς τούτοις ἐκ βασάνου περὶ  
 αὐτῶν πεφευγότα τοῦτον τοὺς ἀκριβεστάτους ἐλέγ-  
 χους, καὶ οὐκ ἐβελήσαντ' ἐκ τούτων ἐπιδείξαι τὴν  
 ἀλήθειαν, ἀλλὰ πανουργοῦντα καὶ μάρτυρας ψευδεῖς  
 παρεχόμενον καὶ διακλέπτοντα τοῖς ἑαυτοῦ λόγοις  
 τὴν ἀλήθειαν τῶν πεπραγμένων, οὕτω μεγάλοις καὶ  
 φανεροῖς ἐλέγχοις, ὥστ' ὑμᾶς πάντας εἴσεσθαι  
 σαφῶς, ὅτι ἡμεῖς μὲν ἀληθῆ λέγομεν, οὗτος δ'  
 οὐδὲν ὑγιὲς εἶρηκεν. ἄρξομαι δ' ἐντεῦθεν, ὅθεν καὶ  
 ὑμεῖς ῥᾶστ' ἂν μάθοιτε καὶ γὰρ τάχιστ' ἂν διδάξαιμι.  
 6 Ἐγὼ γάρ, ὦ ἄνδρες δικασταί, Δημοφῶντι καὶ  
 Θηριππίδῃ καὶ τούτῳ δίκας ἔλαχον ἐπιτροπῆς ἀπο-  
 στερηθεῖς ἀπάντων τῶν ὄντων. γενομένης δέ μοι  
 τῆς δίκης πρὸς τοῦτον πρῶτον, ἐπέδειξα σαφῶς  
 τοῖς δικάζουσιν, ὥσπερ ὑμῖν ἐπιδείξω, πάνθ' ὅσ'  
 ἡμῖν κατελείφθη χρήματ' ἀπεστερηκότα τοῦτον μετ'  
 7 ἐκείνων, οὐ καταψευδομαρτυρησάμενος. τεκμήριον  
 δὲ μέγιστον· μαρτυριῶν γὰρ πλεον ἢ πάνυ πολλῶν  
 τῶν ἀπασῶν ἀναγνωσθεισῶν ἐπὶ τῇ δίκῃ, καὶ τού-  
 των τῶν μὲν ὡς ἔδοσάν τι τούτῳ τῶν ἐμῶν κατα-  
 μαρτυρουσῶν, τῶν δ' ὡς παρήσαν κομιζομένῳ, τῶν

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<sup>a</sup> On the high value attributed by the Greeks to evidence extracted from a slave by torture see Oration XXX. § 37, and Aristotle, *Rhet.* i. 15.

one request I make of you, men of the jury, and it is a reasonable one—that you will give us both a fair hearing. This is as much in your interest as in mine, for the more accurate your knowledge of the facts, the more just and in harmony with your oaths will be the vote you will cast regarding them. I shall show <sup>5</sup> that Aphobus has not only acknowledged Milyas to be a freeman, but has even proved it by his actions; that, furthermore, about this matter he has declined the absolutely sure test by torture,<sup>a</sup> and does not wish to have the truth brought to light; that on the contrary he has recourse to trickery, brings forward false witnesses, and by his own words distorts the truth regarding what has taken place. So strong and so plain is the evidence by which I shall prove these statements that you will all see clearly that it is I who am speaking the truth, and that he has uttered not a word worthy of credence. I shall begin at a point which will make it easiest for you to learn the facts, and for me to instruct you regarding them in the briefest time.

I instituted suit, men of the jury, against Demo- <sup>6</sup> phon, Therippides and the plaintiff for breach of trust in their guardianship, for I had been defrauded by them of all my inheritance. When my suit against Aphobus in the first instance came up for trial, I proved clearly to the jury, as I shall prove to you, that he, in conjunction with the others, had robbed me of all the property that had been left me; and I relied upon no false testimony. Here is a clear <sup>7</sup> proof of this. A host of depositions was read at the trial, some of the deponents declaring that they had given to the plaintiff property of mine, others that he had received such property in their presence, still

## DEMOSTHENES

δ' ὡς πριάμενοι παρὰ τούτου τούτῳ τὰς τιμὰς  
 διέλυσαν, οὐδ' ἦ τινι τούτων<sup>1</sup> τῶν ψευδομαρτυριῶν  
 [847] ἐπεσκήψατο, οὐδὲ τετόλμηκε διώκειν ἀλλ' ἦ ταύτην  
 μίαν οὖσαν, ἐν ἣ δραχμὴν οὐκ ἂν ἔχοι δεῖξαι μεμαρ-  
 8 τυρημένην. καίτοι τό γε τίμημα τῶν χρημάτων,  
 ὧν ἀπεστερήμην, οὐκ ἐκ ταύτης συντιθεῖς ἐλο-  
 γιζόμην τοσοῦτον (οὐ γὰρ ἔνεστ' ἀργύριον), ἀλλ'  
 ἐξ ἐκείνων καθ' ἕκαστα τιθεῖς, αἷς οὗτος οὐκ ἐ-  
 εσκήψατο. ὅθεν οἱ τότε ἀκούσαντες οὐ μόνον  
 αὐτοῦ κατέγνωσαν, ἀλλὰ καὶ τῶν ἐπιγεγραμμένων  
 ἐτίμησαν. τίνος οὖν εἶνεκ' ἐκείνας μὲν εἶασε,  
 9 τῆδε δ' ἐπεσκήψατο; ἐγὼ καὶ τοῦτο διδάξω. τῶν  
 μαρτυριῶν ὅσαι μὲν αὐτοῦ χρήματ' ἔχειν κατ-  
 εμαρτύρουν, ἥδει σαφῶς ὅτι τοσοῦτῳ μᾶλλον  
 ἐλεγχθήσεται ταῦτ' ἔχων, ὅσω πλείων λόγος  
 δοθήσεται καθ' ἓν περὶ ἐκάστου. τοῦτο δ' ἔμελλεν  
 ἐν τῇ τῶν ψευδομαρτυριῶν ἔσεσθαι κρίσει· ὁ γὰρ  
 τότε ἐν μικρῷ μέρει τινὶ τοῦ παντὸς ὕδατος μετὰ  
 τῶν ἄλλων κατηγορήσαμεν, νῦν πρὸς ἅπαν τὸ ὕδωρ  
 10 αὐτὸ καθ' αὐτὸ διδάξειν ἐμέλλομεν. ἀποκρίσει δ'  
 ἐπισκηψάμενος ἐνόμιζεν, ὥσπερ τότε ὠμολόγησεν,  
 οὕτω πάλιν ἔξαρνος γενέσθαι ταῦτ' ἐφ' ἑαυτῷ  
 γενήσεσθαι. διὰ ταῦτα τήνδε διώκει. βούλομαι  
 δὴ ταύτην, ὡς ἔστιν ἀληθὴς, ἐπιδεῖξαι σαφῶς πᾶσιν  
 ὑμῖν, οὐκ ἐξ εἰκότων οὐδὲ λόγων πρὸς τὸ παρὸν  
 μεμηχανημένων, ἀλλ' ἐκ τοῦ παρὰ πᾶσιν ὑμῖν  
 δόξοντος, ὡς ἐγὼ νομίζω, δικαίου. σκοπεῖτε δ'  
 ἀκούσαντες.

<sup>1</sup> τούτων omitted by Blass.

<sup>a</sup> That is, in attacking the testimony of the deponent he would deny his own previous admissions.



### AGAINST APHOBUS, III. 7-10

others that they had purchased goods from him, and paid him the price ; yet he has charged not a single one of these with bearing false testimony. He has dared to attack this one piece of testimony, and it alone, although in it he cannot show that there was mention even of one single drachma. And yet for <sup>8</sup> the computation of the sums of which I had been robbed, I relied not so much on this man's testimony, for there was no mention of money in it, but on the several statements of the others, against whom the plaintiff has made no charges. Therefore the jurymen who at that time heard my plea, not only found him guilty, but fixed the damages at the full amount stated in my complaint. Why was it, then, that he passed over the other witnesses and sued the defendant alone ? I will tell you. In regard to all <sup>9</sup> the witnesses who testified that he had received the money, he knew that the more discussion there should be over each separate point, the more convincingly would he be convicted of possessing it, and this was bound to be the case in a trial for false witness ; for the accusations which I then made along with all the others in a small part of the time allotted me, I should now discuss severally and in detail in the time of an entire speech ; whereas, if <sup>10</sup> he attacked an answer given, he thought that as he had made an admission before, so now it would be in his power to make a denial.<sup>a</sup> That is the reason why he attacks the testimony of this witness, the truth of whose testimony I mean to prove conclusively to you all, not on the basis of probabilities, or of arguments made up to fit the occasion, but by reasoning which, I am sure, will approve itself to you all as just and fair. Listen, and judge.

## DEMOSTHENES

- 11 Ἐγὼ γάρ, ὦ ἄνδρες δικασταί, περὶ τῆς μαρτυρίας τῆς ἐν τῷ γραμματείῳ γεγραμμένης εἰδὼς ὄντα μοι τὸν ἀγῶνα, καὶ περὶ τούτου τὴν ψῆφον ὑμᾶς οἴσοντας ἐπιστάμενος, ᾗθήην δεῖν μηδὲν ἄλλο τούτου πρότερον ἢ τοῦτον προκαλούμενος ἐλέγξαι.
- [848] καὶ τί ποιῶ; παραδοῦναι παῖδ' ἠθέλον αὐτῷ γράμματ' ἐπιστάμενον βασανίζειν, ὃς παρῆν ὃθ' ὠμολόγει ταῦθ' οὗτος, καὶ τὴν μαρτυρίαν ἔγραφεν, οὐδὲν ὑφ' ἡμῶν κελευσθεὶς κακοτεχνεῖν, οὐδὲ τὸ μὲν γράφειν, τὸ δ' ἀφαιρεῖν ὧν οὗτος εἰρήκει περὶ τούτων, ἀλλ' ἀπλῶς ὑπὲρ τοῦ πάντα τάληθῆ καὶ
- 12 τὰ τούτῳ ῥηθέντα γράψαι. καίτοι τί κάλλιον ἦν τοῦ τὸν παῖδα στρεβλοῦντ' ἐλέγξαι ψευδομένους ἡμᾶς; ἀλλὰ συνήδει πάντων μάλιστ' ἀνθρώπων ὅτι τάληθῆ μεμαρτύρηται· διόπερ ἔφυγε τὴν βάσανον. ἀλλὰ μὴν οὐχ εἰς οὐδὲ δύο ταῦτ' ἴσασιν, οὐδ' ὑπὸ μάλης ἢ πρόκλησις γέγονεν, ἀλλ' ἐν τῇ ἀγορᾷ μέση πολλῶν παρόντων.
- Καί μοι κάλει τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

- 13 Οὕτω τοίνυν οὗτός ἐστι σοφιστῆς καὶ σφόδρ' ἐκὼν τὰ δίκαι' ἀγνοεῖν προσποιούμενος, ὥστε ψευδομαρτυριῶν διώκων, καὶ περὶ τούτου τὴν ψῆφον ὑμῶν μελλόντων οἴσειν καὶ ὁμωμοκότων, περὶ τῆς μαρτυρίας μὲν ἔφυγε τὴν βάσανον, περὶ οὗ μάλιστα προσῆκεν αὐτῷ τὸν λόγον ποιεῖσθαι, περὶ δ' ἄλλων

I knew, men of the jury, that I should find the 11  
 whole contest centring about the deposition inserted  
 in the record, and that it would be regarding the  
 truth or falsehood of this that you would cast your  
 votes, and I therefore determined that the first step  
 for me to take was to offer Aphobus a challenge.  
 What, then, did I do? I offered to surrender to him  
 for examination by torture a slave who knew how  
 to read and write, and who had been present when  
 Aphobus made the admission in question, and who  
 wrote down the statement of the witness. This man  
 had been ordered by me not to use any fraud or  
 trickery, nor to write down some and suppress others  
 of the statements made by the plaintiff regarding the  
 matters at issue, but simply to write the absolute  
 truth, and what Aphobus actually said. What better 12  
 opportunity could he have had of convicting us of  
 falsehood than by putting my slave to torture? But  
 Aphobus knew better than anyone else that the slave  
 had borne true testimony, and therefore he declined  
 the test. And in truth it is not one or two only who  
 know these facts; the challenge was not made in secret,  
 but in the midst of the agora where many were present.  
 Call, please, the witnesses to these facts.

THE WITNESSES

The fellow is so cunning, and so ready to pretend 13  
 ignorance of what is right, that, although he is press-  
 ing a suit for false witness, and although you are to  
 cast your votes regarding this, and have sworn so  
 to do, he refused the proffered examination by torture  
 in regard to the testimony (the point to which he  
 should have devoted his argument), and declares that  
 he requires the slave to be given up for testing in

## DEMOSTHENES

14 φησὶν ἔξαιτεῖν, ψευδόμενος. καίτοι πῶς οὐχ ὑπερφυές, αὐτὸν μὲν δεινὰ πεπονθέναι φάσκειν, εἰ τὸν ἐλεύθερον ἔξαιτῶν, ὡς ἐγὼ σαφῶς ὑμῖν ἐπιδείξω, μὴ παρέλαβε, τοὺς δὲ μάρτυρας οὐ δεινὰ πάσχειν νομίζειν, τὸν ὁμολογουμένως δοῦλον περὶ ὧν ἐμαρτύρησαν ἐκδιδόντος, οὐκ ἐθέλοντος τούτου παραλαβεῖν; οὐ γὰρ δὴ τοῦτό γ' ἔνεστιν εἰπεῖν, ὡς περὶ μὲν τινῶν ὧν αὐτὸς βούλεται σαφῆς ἢ βάσανος, περὶ δ' αὖ τινῶν οὐ σαφῆς.

15 [849] Ἔτι τοίνυν, ὦ ἄνδρες δικασταί, ταύτην τὴν μαρτυρίαν ἐμαρτύρησεν ἀδελφὸς ὁ τούτου πρῶτος Αἴσιος, ὃς νῦν μὲν ἔξαρνός ἐστι τούτῳ συναγωνιζόμενος, τότε δ' ἐμαρτύρησε ταῦτα μετὰ τῶν ἄλλων, οὔτ' ἐπιорκεῖν οὔτ' εὐθύς παραχρῆμα δίκην ὀφλισκάνειν βουλόμενος. ὃν οὐκ ἂν δήπου, ψευδῆ μαρτυρίαν εἰ παρεσκευαζόμεν, ἐνέγραψα ἂν εἰς τοὺς μάρτυρας, ὁρῶν μὲν Ἀφόβῳ χρώμενον μάλιστ' ἀνθρώπων ἀπάντων, εἰδὼς δὲ συνεροῦντ' αὐτῷ τὴν δίκην, ἔτι δ' ἐμαυτοῦ ὄντ' ἀντίδικον· οὐ γὰρ ἔχει λόγον τὸν ἑαυτοῦ διάφορον μὴ ἀληθινῆς μαρτυρίας

16 ἐγγράψαι μάρτυρα. τούτων τοίνυν εἰσὶ μὲν πολλοὶ μάρτυρες, ἔτι δ' οὐκ ἐλάττω τεκμήρια τῶν μαρτύρων. πρῶτον μὲν γάρ, εἴπερ ὡς ἀληθῶς ταῦτα μὴ ἐμαρτύρησεν, οὐκ ἂν νῦν ἔξαρνός ἦν, ἀλλὰ τότε εὐθύς ἐπὶ τοῦ δικαστηρίου τῆς μαρτυρίας ἀναγιγνωσκομένης, ἤνικα μᾶλλον ἂν αὐτὸν ἢ νῦν ὠφέλει.

regard to other matters. In this he is lying. Is it 14  
not indeed monstrous that he should claim that he is  
being outrageously treated by my refusal of his de-  
mand to have delivered to him for torture a freeman  
(for such I shall conclusively prove Milyas to be),  
and should not consider that my witnesses are being  
outrageously treated, when I offer him one who is  
admittedly a slave, to be tested by torture regarding  
their testimony, and he refuses? For he surely  
cannot maintain this, that for some matters, which  
he himself desires, torture is a certain test, and for  
others not.

Furthermore, men of the jury, the first witness to 15  
give this testimony was Aesius, the brother of the  
plaintiff. He now denies it, because he has allied him-  
self in the suit with Aphobus; but at that time he  
gave this testimony along with the other witnesses,  
for he had no desire to perjure himself, or to suffer the  
penalty which would straightway follow. Surely now,  
if I had been getting up false testimony, I should not  
have put this man in my list of witnesses, seeing that  
he was more intimate with Aphobus than with any-  
one else in the world, and knowing that he was going  
to plead for him in the suit, and that he was an  
adversary of my own. It is not reasonable that one  
should call as witness to a false statement one who  
is an opponent of his own, and a brother of his  
adversary. I have many witnesses to these facts, 16  
and circumstantial proofs no fewer in number than the  
witnesses. In the first place, if he did not in very  
truth give this testimony, he would not be denying it  
now, but would have done so at once in the court-  
room, when the deposition was read, for it would have  
answered his purpose better than now. In the

## DEMOSTHENES

δεύτερον δ' οὐκ ἂν ἡσυχίαν ἦγεν, ἀλλὰ δίκην ἂν μοι βλάβης ἔλαχεν, εἰ ψευδομαρτυριῶν ὑπόδικον αὐτὸν ἐποίουν κατὰ τὰδελφοῦ οὐ προσῆκον, ἐν ᾗ καὶ περὶ χρημάτων καὶ περὶ ἀτιμίας ἄνθρωποι  
 17 κινδυνεύουσιν. ἔτι δὲ τὸ πρᾶγμ' ἂν ἐξελέγξαι ζητῶν, ἐξήτησεν ἂν με τὸν παῖδα τὸν γράφοντα τὰς μαρτυρίας, ἵν' εἰ μὴ παρεδίδουν, μηδὲν δίκαιον λέγειν ἐδόκουν. νῦν δὲ τοσοῦτου ποιῆσαι τι τούτων ἐδέησεν, ὥστ' οὐδ' ἐμοῦ παραδιδόντος, ἐπειδὴ ταῦτ' ἔξαρνος ἐγένεθ' οὗτος, παραλαβεῖν ἠθέλησεν, ἀλλ' ὁμοίως φαίνονται καὶ περὶ τούτων φεύγοντες τὰς βασάνους.

<sup>18</sup>  
 [850] Καὶ ταῦθ' ὡς ἀληθῆ λέγω, καὶ ἔν τε τοῖς μάρτυσιν μεμαρτυρηκῶς Αἴσιος οὐκ ἠρνήθη ταῦτ' ἐπὶ τοῦ δικαστηρίου τούτῳ παρεστηκῶς τῆς μαρτυρίας ἀναγιγνωσκομένης, ἐμοῦ τ' ἐκδιδόντος τὸν παῖδα περὶ ἀπάντων τούτων βασανίζειν αὐτοῖς οὐκ ἠθέλησαν παραλαβεῖν, καθ' ἕκαστον ὑμῖν παρέξομαι τοὺς μάρτυρας. καί μοι κάλει δεῦρ' αὐτούς.

### ΜΑΡΤΥΡΕΣ

19 Ὁ τοίνυν, ὦ ἄνδρες δικασταί, πάντων τῶν εἰρημένων οἶμαι μέγιστον ὑμῖν ἐρεῖν σημεῖον τοῦ ταῦτ' ἀποκρίνασθαι τοῦτον, βούλομαι διελθεῖν. ἐπειδὴ γὰρ ἐξήτει με τὸν ἄνθρωπον ταῦθ' ὡμολογηκῶς ἂ μεμαρτύρηται, βουλόμενος καὶ τότε αὐτὸν ἐξελέγξαι

## AGAINST APHOBUS, III. 16-19

second place Aesius would not have kept quiet, but would have sued me for damages, if without cause I had made him liable to a charge of bearing false witness against his brother, a charge on which men run the risk both of damages in money and the loss of citizenship. Again, in seeking to bring the truth<sup>17</sup> of the matter to light, he would have demanded of me the slave who wrote the depositions, in order that, if I refused to give him up, I might seem to have no just ground for my statements. But, as it is, so far from doing anything of the sort, he refused to accept the slave for torture, when I, on his denial that he had given the evidence, offered him. So plain is it that regarding this matter too both he and Aphobus as well were alike unwilling to have recourse to torture.

To prove that my words are true, that after Aesius<sup>18</sup> had given his testimony with the other witnesses, he made no denial of the fact, when, standing by the plaintiff's side in the court-room, he heard the deposition read, and that, when I offered the slave to them to be questioned by torture regarding all these matters, he refused to accept the offer—regarding each of these points severally I shall produce witnesses. Please call them here.

### THE WITNESSES

I wish now to set forth to you, men of the jury,<sup>19</sup> what I consider a stronger proof than all those that have been mentioned, to show that the plaintiff did give this answer. When, despite the admissions which he is proved to have made, he demanded of me Milyas for torture, I was so eager to show on the spot that this, too, was a subterfuge on his part, that what do you

## DEMOSTHENES

- 20 τεχνάζοντα τί ποιῶ; προσκαλοῦμαι<sup>1</sup> κατὰ Δήμω-  
νος εἰς μαρτυρίαν, ὄντος αὐτῷ θείου καὶ κοινωνοῦ  
τῶν ἀδικημάτων, καὶ συγγράψας ταῦτ' ἐκέλευον  
μαρτυρεῖν, ἃ νῦν διώκει τῶν ψευδομαρτυριῶν.  
οὗτος δὲ τὸ μὲν πρῶτον ἀπηναισχύντει, τοῦ  
δὲ δαιτητοῦ κελεύοντος μαρτυρεῖν ἢ ἐξομνύειν,  
ἐμαρτύρησε πάνυ μόγισ. καίτοι εἴ γ' ἦν δοῦλος  
ἄνθρωπος καὶ μὴ προωμολόγητο πρὸς τοῦδ'  
ἐλεύθερος εἶναι, τί μαθὼν ἐμαρτύρησεν, ἀλλ' οὐκ
- 21 ἐξομόσας ἀπηλλάγη τοῦ πράγματος; ἀλλὰ μὴν  
καὶ περὶ τούτων ἤθελον παραδοῦναι τὸν παῖδα τὸν  
γράφοντα τὴν μαρτυρίαν, ὃς τά τε γράμματ' ἔμελλε  
γνώσεσθαι τὰ ἑαυτοῦ καὶ τοῦτον ἐμνημόνευεν  
ἀκριβῶς μαρτυρήσαντα ταῦτα. καὶ ταῦτ' ἤθελον  
οὐχὶ μαρτύρων ἀπορῶν οἱ παρήσαν· ἦσαν γάρ· ἀλλ'  
ἵνα μὴ τούτους αἰτιῶτο τὰ ψευδῆ μαρτυρεῖν, ἀλλὰ
- [851] τὸ πιστὸν ἐκ τῆς βασάνου τούτοις ὑπάρχοι. καίτοι  
πῶς ἄξιόν ἐστι καταγνῶναι τῶν μαρτύρων διὰ  
τοῦτον, οἱ μόνου τῶν πώποτ' ἠγωνισμένων δίκην ἐν  
ὑμῖν τὸν διώκοντ' αὐτὸν αὐτοῖς μάρτυρα τούτων  
ἐπιδεικνύουσιν γεγενημένον;
- Ἄλλὰ μὴν ὡς ἀληθῆ λέγω, λαβὲ τὴν πρόκλησιν  
καὶ τὴν μαρτυρίαν.

### ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑ

- 22 Τηλικαῦτα τοίνυν δίκαια φυγῶν οὗτος, καὶ ἐκ  
τοσοῦτων τεκμηρίων ἐπιδεικνύμενος ὅτι συκο-  
φαντεῖ, τοῖς μὲν αὐτοῦ μάρτυσιν ἀξιοῖ πιστεύειν

<sup>1</sup> προσκαλοῦμαι] προκαλοῦμαι Blass.



think I did ? I summoned Aphobus to give evidence 20  
 against Demo, his uncle and a partner in his crimes.  
 I wrote out the testimony which he now attacks as  
 false and ordered him to make a deposition to it.  
 At first he brazenly refused, but when the arbitrator  
 bade him depose, or deny the fact under oath, he  
 deposed, sorely against his will. And yet if the man  
 was a slave, and had not been already admitted by  
 Aphobus here to be free, what in the world induced  
 him to make this deposition ? Why did he not deny it  
 on oath, and so get free of the affair ? Pray note that 21  
 in regard to this matter also I was ready to give over  
 to him for torture the slave who had written the de-  
 position, who would know his own handwriting, and  
 who clearly remembered that Aphobus had made the  
 deposition. I was ready to do this, not for want of  
 witnesses who were present, for there were some ;  
 but in order that he might not accuse these men of  
 giving false testimony, and that the result of the  
 torture might support them. Yet it is not fair to  
 condemn the witnesses on his account. They alone  
 of men who have as yet stood trial before you can  
 show that the plaintiff himself has borne witness to  
 their testimony as to these matters.

To prove that I am speaking the truth, take the  
 challenge and the deposition.

THE CHALLENGE. THE DEPOSITION

Such are the legal tests which he has refused, and 22  
 so numerous the proofs by which he is shown to be  
 acting with malice and insincerity ; yet he demands  
 that you put credence in his own witnesses, and he

## DEMOSTHENES

ὕμᾱς, τοὺς δ' ἐμοὺς διαβάλλει καὶ φησιν οὐ τάληθῆ μαρτυρεῖν.

- Βούλομαι δὴ καὶ ἐκ τῶν εἰκότων περὶ αὐτῶν εἰπεῖν. οἶδ' οὖν ὅτι πάντες ἂν ὁμολογήσατε τοὺς τὰ ψευδῆ μαρτυροῦντας ἢ κέρδεσι δι' ἀπορίαν ἐπαιρομένους ἢ δι' ἑταιρίαν ἢ καὶ δι' ἔχθραν τῶν
- 23 ἀντιδίκων ἐθέλειν ἂν τι τοιοῦτον ποιῆσαι. τούτων τοίνυν οὐδὲ δι' ἓν ἂν εἶεν ἐμοὶ μεμαρτυρηκότες. οὔτε γὰρ ἑταιρία· πῶς γάρ, οἷ γε μήτ' ἐν ταῖς αὐταῖς διατριβαῖς μήτε καθ' ἡλικίαν, μὴ ὅτι ἐμοὶ τινες αὐτῶν, ἀλλ' οὐδὲ σφίσιν αὐτοῖς εἰσίν; οὔτ' ἔχθρα τούτου· φανερόν γάρ καὶ τοῦτ' ἔστιν· ὁ μὲν γὰρ ἀδελφὸς καὶ σύνδικος, Φᾶνος δ' ἐπιτήδειος καὶ φυλέτης, Φίλιππος δ' οὔτε φίλος οὔτ' ἐχθρός, ὥστ' οὐδὲ ταύτην ἂν τις ἐπενέγκοι δικαίως τὴν αἰτίαν.
- 24 καὶ μὴν οὐδὲ δι' ἀπορίαν ἂν τις φήσειε· πάντες γὰρ κέκτηνται τοσαύτην οὐσίαν, ὥστε καὶ λητουργεῖν ὑμῖν προθύμως καὶ τὰ προσταπτόμενα ποιεῖν. χωρὶς δὲ τούτων οὔτ' ἀγνώτες ὑμῖν οὔτ' ἐπὶ τὰ χεῖρω γιγνωσκόμενοι, μέτριοι δ' ὄντες ἄνθρωποι. καίτοι εἰ μήτ' ἀποροὶ μήτ' ἐχθροὶ τούτου μήτ' ἐμοὶ
- [852] φίλοι, πῶς χρὴ κατὰ τούτων λαβεῖν τιν' ὑποψίαν ὡς τὰ ψευδῆ μαρτυροῦσιν; ἐγὼ μὲν γὰρ οὐκ οἶδα.
- 25 Ταῦτα τοίνυν οὗτος εἰδώς, καὶ πάντων μάλιστ' ἐπιστάμενος τάληθῆ μεμαρτυρηκότας αὐτοῦς, ὅμως συκοφαντεῖ καὶ φησιν οὐ μόνον οὐκ εἰπεῖν ταῦτα, ἀ πῶς τις ἂν μᾶλλον ἐξελέγξειεν εἰρηκότα; ἀλλὰ καὶ δοῦλον εἶναι τὸν ἄνθρωπον τῷ ὄντι. βούλομαι δὴ διὰ βραχέων εἰπὼν πρὸς ὑμᾶς ἐξελέγξαι καὶ

slanders mine, and declares that their testimony is false.

I wish now to speak of the matter on the basis of probabilities. I am certain that you would all agree that those who give false testimony are led to do so by bribes through stress of poverty, or by friendship, or else by enmity toward the opposite party in the suit. Now no one of these reasons would have led the 23 men to testify in my favour. Not friendship; how could that be, seeing that they are not engaged in the same pursuits, nor are they of like age, I will not say with me, but with one another? Not enmity against my adversary, that is plain: for one of them is his brother and pleads on his side; Phanus is a close friend and a member of the same tribe; and Philip is neither friend nor enemy, so that this motive, too, cannot be justly charged against them. Further- 24 more, no one could say that poverty was the ground, for they all possess means so ample that they willingly assume the expense of public services, and discharge whatever duties are laid upon them. Besides all this, they are well known to you, and you know nothing to their discredit; for they are worthy citizens. Yet, if they are not poor, nor enemies of the plaintiff, nor friends of mine, how can it be right to suspect them of bearing false witness? I certainly do not know.

My opponent was aware of all this, and knew better 25 than anybody else that their testimony was true, but none the less he brings forward a malicious charge against them, and not only declares that he did not make the statement which I have proved in the most conclusive manner that he did make, but even asserts that the man, Milyas, is in fact a slave. I wish in a very few words to prove that in this, too, he is lying.

## DEMOSTHENES

ταῦτ' αὐτὸν ψευδόμενον. ἐγὼ γάρ, ὦ ἄνδρες δικασταί, καὶ περὶ τούτων ἠθέλησα τούτῳ παραδοῦναι βασανίζειν τὰς θεραπαίνας, αἱ τελευτῶντος τοῦ πατρὸς μνημονεύουσ' ἀφεθέντα τούτον ἐλεύθερον  
 26 εἶναι τότε. καὶ πρὸς τούτοις ἡ μήτηρ κατ' ἐμοῦ καὶ τῆς ἀδελφῆς, οἱ μόνοι παῖδές ἐσμεν αὐτῇ, δι' οὓς κατεχέρυσσε τὸν βίον, πίστιν ἠθέλησ' ἐπιθεῖναι παρασησαμένη, τὸν ἄνθρωπον τούτον ἀφείναι τὸν πατέρ' ἠνίκ' ἐτελεύτα, καὶ νομίζεσθαι παρ' ἡμῖν τούτον ἐλεύθερον· ἦν μηδεὶς ὑμῶν νομιζέτω καθ' ἡμῶν ποτ' ἂν ὀμνύναι ταῦτ' ἐθέλειν, εἰ μὴ σαφῶς ἦδει τὰ εὖορκ' ὁμουμένη.

Ἄλλὰ μὴν ὡς ἀληθῆ λέγω καὶ ταῦτ' ἡμεν ἔτοιμοι ποιεῖν, κάλει τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

- 27 Τόσαῦτα τοίνυν δίκαια λέγειν ἐχόντων ἡμῶν, καὶ καταφεύγειν εἰς τοὺς μεγίστους ἐλέγχους ἐθελόντων περὶ τῶν μεμαρτυρημένων, πάντα ταῦτα φυγῶν οὗτος οἴεται, περὶ τῆς γεγενημένης δίκης διαβάλλων καὶ κατηγορῶν ἐμοῦ, τοῦ μάρτυρος ὑμᾶς πείσειν καταψηφίσασθαι, πάντων οἶμαι πρᾶγμα κατασκευάσας ἀδικώτατον καὶ πλεονεκτικώτατον.
- 28 αὐτὸς μὲν γὰρ μάρτυρας ψευδεῖς παρεσκεύασται  
 [853] περὶ τούτων, συγχωρηγὸν ἔχων Ὀνήτορα τὸν κηδεστήν καὶ Τιμοκράτην· ἡμεῖς δ' οὐχὶ προειδότες, ἀλλ' ὑπὲρ αὐτῆς τῆς μαρτυρίας ἠγούμενοι τὸν ἀγῶν' ἔσσεσθαι, τοὺς περὶ τῶν ἐκ τῆς ἐπιτροπῆς χρημάτων μάρτυρας οὐ παρεσκεύασμεθα νῦν. ὅμως δὲ καίπερ

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<sup>a</sup> Timocrates : possibly the same as the Timocrates against whom Demosthenes delivered Oration XXIV.

I was ready, men of the jury, regarding this point also to give over to him to be tested by torture my female slaves, who remember that my father on his death-bed set this man free. Besides this, my mother <sup>26</sup> was ready to call to her side my sister and myself, and swear, with imprecations on our heads if she spoke falsely—we were her only children, and it was for our sakes that she gave herself up to a life of widowhood—that my father when he was about to die had set this man free, and that Milyas was regarded by us as free thereafter. Let no one of you assume that she would have been willing to make this oath with imprecations on our heads if she had not known well that what she was to swear to was true.

Come now, to prove that I am speaking the truth and that we were ready to do these things, call the witnesses thereto.

#### THE WITNESSES

So many were the just arguments we had to urge, <sup>27</sup> and so ready were we to have recourse to the most infallible tests regarding the testimony given; and yet the plaintiff evades all these, and fancies that by slandering me regarding the trial which has already taken place, and bringing accusations against me, he can induce you to convict the witness,—a piece of trickery the most unfair and the most rapacious imaginable. For he has himself suborned men <sup>28</sup> to bear false witness about these matters, having as co-workers his brother-in-law Onetor, and Timocrates <sup>a</sup>; we had no forewarning of this, and supposed that the contest would be regarding the deposition alone, and therefore have not come prepared with witnesses regarding the guardianship accounts.

## DEMOSTHENES

οὕτω τούτου σεσοφισμένου, τὰ πράγματ' αὐτὰ δι-  
 εξιών οἶμαι ῥαδίως ὑμῖν ἐπιδειξείν, δικαιοτάτ'  
 29 ἀνθρώπων τοῦτον ὠφληκότα τὴν δίκην, οὐχ ὅτι τὸν  
 Μιλύαν ἐκώλυον βασανίζειν, οὐδ' ὅτι τοῦτον ἐλεύ-  
 θερον ὠμολόγησεν, οἱ δὲ μάρτυρες οἶδ' ἐμαρτύρη-  
 σαν, ἀλλ' ὅτι πολλὰ τῶν ἐμῶν ἐξηλέγχθη λαβῶν,  
 καὶ τὸν οἶκον οὐκ ἐμίσθωσε τῶν νόμων κελευόντων  
 καὶ τοῦ πατρὸς ἐν τῇ διαθήκῃ γράψαντος, ὡς ἐγὼ  
 σαφῶς ὑμῖν ἐπιδείξω· ταῦτα μὲν γὰρ ἦν πᾶσιν  
 ἰδεῖν, οἱ νόμοι καὶ τὸ πλῆθος ὧν οὗτοι διηρπάκεσαν  
 χρημάτων· τὸν Μιλύαν δ' οὐδ' ὅστις ἔστιν οὐδεὶς  
 ᾔδει. γνῶσεσθε δ' ἐκ τῶν ἐγκεκλημένων ὅτι ταῦθ'  
 οὕτως ἔχοντ' ἐστίν.

30 Ἐγὼ γάρ, ὦ ἄνδρες δικασταί, τὴν δίκην ἔλαχον  
 τούτῳ τῆς ἐπιτροπῆς οὐχ ἐν τίμημα συνθείς, ὥσπερ  
 ἂν τις συκοφαντεῖν ἐπιχειρῶν, ἀλλ' ἕκαστον ἐγ-  
 γράψας καὶ πόθεν λαβῶν καὶ πόσον τὸ πλῆθος καὶ  
 παρὰ τοῦ, καὶ οὐδαμοῦ τὸν Μιλύαν παρέγραψα ὡς  
 31 εἰδότα τι τούτων. ἔστιν οὖν τοῦ μὲν ἐγκλήματος  
 ἀρχή “ τὰδ' ἐγκαλεῖ Δημοσθένης Ἀφόβῳ· ἔχει μου  
 χρήματ' Ἀφοβος ἀπ' ἐπιτροπῆς ἐχόμενα, ὄγδοή-  
 κοντα μὲν μνᾶς, ἣν ἔλαβε προῖκα τῆς μητρὸς κατὰ  
 τὴν διαθήκην τοῦ πατρὸς.” τοῦτο πρῶτόν ἐστι  
 τῶν χρημάτων, ὧν ἀπεστερηῆσθαί φημι. τοῖς δὲ  
 μάρτυσιν τί μεμαρτύρηται; “ μαρτυροῦσι παρα-  
 [854] γενέσθαι πρὸς τῷ διαιτητῇ Νοθάρχῳ, ὅτ' Ἀφοβος

Nevertheless, despite the fellow's trickery, I think that, simply by reciting the facts, I shall easily convince you that no man was ever more justly convicted than he. It was not because I refused to allow Milyas <sup>29</sup> to be put to the torture, nor because he himself admitted the man to be a freeman, nor yet because these witnesses gave their testimony; but because he was proved to have taken possession of large sums belonging to me, and because he did not let the estate, though the laws so ordered and my father had so directed in his will, as I shall plainly show you. For these were things that anyone could see, the laws, namely, and the amount of my property which these men had taken as plunder; but as for Milyas, nobody knew even who he was. You will see from the charges brought against Aphobus that these things are so.

For, men of the jury, when I instituted my suit <sup>30</sup> against him concerning his guardianship, I did not fix the damages at a lump sum, as one bringing forward a baseless charge out of malice would have done, but specified each item, stating the source of each, the precise amount, and the person from whom it had been received. In no case did I add mention of Milyas as having knowledge of any of these matters. Hence <sup>31</sup> this is the beginning of the complaint: "Demosthenes makes the following charges against Aphobus. Aphobus has in his possession moneys of mine, received by him in his capacity as guardian, as follows: eighty minae, which he received as the marriage-portion of my mother in accordance with the terms of my father's will." This is the first of the sums of which I claim to have been defrauded. Now what was the declaration of the witnesses? "That they were present before the arbitrator, Notharchus, when

## DEMOSTHENES

ὁμολόγει Μιλύαν ἐλεύθερον εἶναι, ἀφεθέντα ὑπὸ  
 32 τοῦ Δημοσθένους πατρός.” σκοπεῖτε τοίνυν παρ’  
 ὑμῖν αὐτοῖς, εἴ τις ἂν ὑμῖν ἢ ῥήτωρ ἢ σοφιστὴς ἢ  
 γόης οὕτω θαυμάσιος δοκεῖ γενέσθαι καὶ λέγειν  
 δεινός, ὥστ’ ἐκ ταύτης τῆς μαρτυρίας διδάξαι τιν’  
 ἀνθρώπων, ὡς ἔχει τὴν προῖκα “Αφοβος τῆς μητρὸς  
 τῆς ἑαυτοῦ. καὶ τί λέγων, ὦ πρὸς Διός; “ ὁμο-  
 λόγησεν εἶναι Μιλύαν ἐλεύθερον.” καὶ τί μᾶλλον  
 ἔχων τὴν προῖκα; οὐδὲν ἂν δήπου διὰ τοῦτό γε  
 33 δόξειεν. ἀλλὰ πόθεν τοῦτ’ ἐδείχθη; πρῶτον μὲν  
 Θηριππίδης ὢν αὐτῷ συνεπίτροπος κατεμαρτύρησε  
 δοῦναι· δεύτερον δὲ Δήμων θεῖος ὢν καὶ τῶν ἄλλων  
 οἱ παρόντες ἐμαρτύρησαν, σίτον τῇ μητρὶ δώσειν  
 ὁμολογεῖν τοῦτον ὡς ἔχοντα τὴν προῖκα. καὶ τού-  
 τοις οὐκ ἐπεσκήψατο, δηλονότι τᾶληθῆ μεμαρτυρη-  
 κότητας εἰδώς. ἔτι τοίνυν ἢ μήτηρ πίστιν ἠθέλησ’  
 ἐπιθεῖναι κατ’ ἐμοῦ καὶ τῆς ἀδελφῆς παραστησα-  
 μένη, λαβεῖν τὴν προῖκα τοῦτον τὴν ἑαυτῆς κατὰ  
 34 τὴν τοῦ πατρὸς διαθήκην. ταύτας τὰς ὀγδοήκοντα  
 μνᾶς πότερ’ αὐτὸν ἔχειν φῶμεν ἢ μή; καὶ πότερον  
 διὰ τούσδ’ ὀφλεῖν τοὺς μάρτυρας ἢ διὰ τούσδε; ἐγὼ  
 μὲν γὰρ οἶμαι διὰ τὴν ἀλήθειαν. ταύτας τοίνυν δέκ’  
 ἔτη κεκαρπωμένος, καὶ οὐδὲ δίκην ὀφλῶν ἀποδοῦναι  
 τετολμηκώς, δεινὰ πεπονθέναι φησὶ καὶ διὰ τούσδε  
 τοὺς μάρτυρας ὠφληκένας. καίτοι τούτων γ’ οὐ-  
 δεὶς αὐτὸν ἔχειν ταύτην ἐμαρτύρησεν.



Aphobus admitted that Milyas was a freeman, having been emancipated by the father of Demosthenes." Consider now for yourselves whether in your judgement there could be an orator, or sophist or magician so wondrously clever in speaking as by means of this testimony to convince any man on earth that Aphobus is in possession of the marriage-portion of the speaker's mother. What in heaven's name would he say? "Aphobus has admitted that Milyas is a freeman." And why on that account is he any the more in possession of the marriage-portion? The statement would surely not seem to prove it. But how was it proved? 32  
 In the first place, Therippides, his co-trustee, testified that he had given him the money. Secondly, Demo, his uncle, and the rest of the witnesses who were present, testified that he agreed to supply my mother with maintenance, as being in possession of her portion. Against these men he has lodged no charges, plainly because he knew that their testimony was true. Besides this, my mother was ready to call to her side my sister and myself, and swear with imprecations on our heads, if she spoke falsely, that Aphobus had received her marriage-portion according to the terms of my father's will. Shall we, then, say, or shall we 34  
 not, that he has possession of these eighty minae? And was it on the evidence of these witnesses here or of those that he was convicted? I think it was on the evidence of truth. He has enjoyed the interest on this sum for ten years, and even though judgement has been given against him, cannot bring himself to pay it back. Despite this, he declares that he has been outrageously treated and that he lost the suit by reason of these witnesses. Yet not one of them testified that he had received the marriage-portion.

## DEMOSTHENES

- 35 Περὶ τοίνυν τῆς ἐκδόσεως καὶ τῶν κλινοποιῶν καὶ τοῦ καταλειφθέντος ἡμῖν ἐλέφαντος καὶ τοῦ σιδήρου καὶ τῆς προικὸς τῆς ἀδελφῆς, ἣν οὗτος καθυφεῖκεν ὑπὲρ τοῦ καὶ αὐτὸς ἔχειν ὅσα βούλοιοτο  
 [355] τῶν ἐμῶν, ἀκούσατε, καὶ σκοπεῖθ' ὡς δικαίως τ' ὄφληκε, καὶ οὐδὲν ἦν Μιλύαν περὶ τούτων βασι-  
 νιστέον.
- 36 Περὶ μὲν γὰρ ὧν καθυφεῖκας, νόμος ἔστι, δι-  
 αρρήδην ὃς κελεύει σ' ὁμοίως ὀφλισκάνειν, ὥσπερ  
 ἂν αὐτὸς ἔχης· ὥστε τί τῷ νόμῳ καὶ τῇ βασάνῳ;  
 περὶ δ' αὖ τῆς ἐκδόσεως, ἐπικοινωνήσαντες τῷ  
 Ξούθῳ καὶ διανειμάμενοι τὰ χρήματα καὶ τὰς συγ-  
 γραφὰς ἀνελόντες, καὶ πάνθ' ὃν τρόπον ἠβούλεσθε  
 κατασκευάσαντες, καὶ διαφθείραντες τὰ γράμμαθ',  
 ὡς ὑμῶν ὁ Δήμων κατεμαρτύρει, φενακίζετε καὶ  
 37 τουτουσὶ παρακρούσασθαι ζητεῖτε. περὶ τοίνυν  
 τῶν κλινοποιῶν, εἰ σὺ λαβὼν ἀργύριον<sup>1</sup> καὶ πόλλ'  
 ἰδίᾳ κερδάνας ἐπὶ τοῖς ἐμοῖς δανείζων, ὃν καὶ τοὺς  
 ἄλλους προσῆκε κωλύειν, εἴτ' ἀφανεῖς πεποίηκας,  
 τί σοι ποιήσωσιν οἱ μάρτυρες; οὐ γὰρ οὗτοί γε  
 μεμαρτυρήκασιν, ὡς ὠμολόγεις ἐπὶ τοῖς ἐμοῖς  
 δανείζειν καὶ λαβεῖν τὰνδράποδ' ὡς σαυτὸν, ἀλλ' ἐν  
 τῷ λόγῳ τοῦτ' ἔγραψας σύ, κατεμαρτύρησαν<sup>2</sup> δ' οἱ  
 μάρτυρες.
- 38 Ἀλλὰ μὴν περὶ τοῦ γ' ἐλέφαντος καὶ τοῦ  
 σιδήρου, πάντας ἐγὼ φημι τοὺς οἰκέτας εἰδέναι

<sup>1</sup> ἀργύριον ὡς σαυτὸν Blass, comparing XXVII. § 27.

<sup>2</sup> σύ, κατεμαρτύρησαν συγκατεμαρτύρησαν Blass.

<sup>a</sup> With reference to these items see Oration XXVII.

<sup>b</sup> In the inventory of the estate of the father of Demosthenes, given in Oration XXVII., there is mention of a bottomry loan to Xuthus, amounting to seventy minae.

With regard to the maritime loan,<sup>a</sup> the sofa-makers, 35  
 and the iron and the ivory that were left me, and my  
 sister's marriage-portion, at the purloining of which  
 Aphobus connived in order to secure for himself the  
 right to take whatever he pleased of my goods, listen,  
 and see how just was the verdict given against him,  
 and how absurd it would have been to examine  
 Milyas by torture regarding any of these matters.

For as regards the purloining of funds at which you 36  
 connived there is a law which expressly declares that  
 you are responsible for them exactly as if you had  
 them in your own possession. So what has the law to  
 do with the testing of a slave by torture? But in the  
 matter of the maritime loan you made common cause  
 with Xuthus,<sup>b</sup> divided the money with him, and de-  
 stroyed the contract, and now that you have arranged  
 everything to suit your wish, and have done away with  
 the documentary evidence (as Demo testified against  
 you), you have recourse to trickery, and endeavour  
 to mislead these gentlemen. Regarding the sofa- 37  
 makers, if you took money, and made large profits  
 for yourself by making loans on security that was  
 mine—you, who should rather have prevented others  
 from doing so—and finally made away with the  
 slaves altogether, what, pray, can the witnesses do  
 in your behalf? These men at any rate have not  
 testified that you admitted lending money on the  
 security of my slaves, and that you appropriated the  
 slaves to yourself. On the contrary, it was you who  
 acknowledged this in your account, and the witnesses  
 testified to the fact against you.

Now look you, as to the ivory and iron, I have this 38  
 to say: all the slaves of the household know that the

## DEMOSTHENES

τοῦτον πωλοῦντα, καὶ παραδοῦναι καὶ τότε καὶ νῦν ἤθελον αὐτῷ τούτων ὄντινα βούλοιο λαβὼν βασανίζειν. εἰ τοίνυν φήσει με, τὸν εἰδότην οὐκ ἐθέλοντ' ἐκδοῦναι, τοὺς οὐκ εἰδότας ἐκδιδόναι, πολὺ δὴ μάλλον αὐτῷ παραλαβεῖν φανήσεται προσήκον· εἰ γάρ, οὓς ὡς εἰδότας ἐξεδίδουν ἐγώ, μηδὲν ἔχειν ἔφασαν τούτων αὐτόν, ἀπήλλακτο δήπουθεν ἂν τῆς  
 39 αἰτίας. ἀλλ' οὐχὶ τοιοῦτόν ἐστιν, ἀλλὰ σαφῶς ἂν ἐξηλέγχθη πωλῶν καὶ τὴν τιμὴν κεκομισμένος.  
 [856] διόπερ τοὺς ὁμολογουμένως δούλους παραβὰς τὸν ἐλεύθερον ἡξίου βασανίζειν, ὃν οὐδ' ὄσιον παραδοῦναι, τὸ πρᾶγμ' οὐκ ἀγαγεῖν εἰς ἔλεγχον ζητῶν, ἀλλὰ μὴ παραλαμβάνων βουλόμενός τι δοκεῖν λέγειν.

Περὶ τοίνυν πάντων τούτων, πρῶτον μὲν περὶ τῆς προικός, εἶθ' ὑπὲρ ὧν καθυφεῖκεν, εἶθ' ὑπὲρ τῶν ἄλλων, ἀναγνώσεται τοὺς τε νόμους καὶ τὰς μαρτυρίας ἴν' εἰδῆτε.

### ΝΟΜΟΙ. ΜΑΡΤΥΡΙΑΙ

40 Οὐ τοίνυν μόνον ἐκ τούτων ἂν γνοιήτε, ὅτι δεινὸν οὐδ' ὀτιοῦν πέπονθε τὸν ἄνθρωπον οὐκ ἐκδόντος ἐμοῦ βασανίζειν, ἀλλὰ καὶ τὸ πρᾶγμ' αὐτ' εἰ σκέψαισθε. θῶμεν γὰρ δὴ τὸν Μιλύαν ἐπὶ τοῦ τροχοῦ στρεβλοῦσθαι, καὶ τί μάλιστ' ἂν αὐτόν εὔξαιτο λέγειν σκοπῶμεν. οὐχ ὅτι τῶν χρημάτων οὐδ' ὀτιοῦν οἶδε τοῦτον ἔχοντα; καὶ δὴ λέγει. διὰ

plaintiff used to sell these articles. I am ready now, as I was then, to give over to him any one of these slaves whom he may choose to be examined by torture. If, then, he alleges that I refuse to surrender the man who has knowledge of the facts, and offer him others who have no such knowledge, he will but show that he ought all the more to have accepted my offer. For if those whom I offered to him as having knowledge of the facts, declared that he had none of these articles in his possession, he would of course have been acquitted of the charge. But nothing of the sort is the truth. It would have been proved past all question that he had sold the goods, and appropriated the profits. Therefore, he passed over those who were admittedly slaves, and demanded that a freeman be examined by torture, whom it would have been a crime for me to surrender; for it was not his purpose that he should sift out the matter, but that he might make a specious argument out of the fact that his demand was refused.

Regarding, therefore, all these facts, first the marriage-portion, then his connivance with fraud, then all the rest, there shall be read to you the laws and the depositions, that you may have full knowledge.

#### THE LAWS. THE DEPOSITIONS

Not only from the facts already adduced can you see that Aphobus was not in any respect whatever prejudiced by my refusal to give the man up for torture, but also from a consideration of the matter itself. Let us suppose that Milyas is being racked upon the wheel, and consider what Aphobus would most wish him to say. Would it not be that he was not aware that the plaintiff had any of the property in his possession? Well, suppose he says so. Does

## DEMOSTHENES

τοῦτ' ἄρ' οὐκ ἔχει; πολλοῦ γε καὶ δεῖ· τοὺς γὰρ  
 εἰδότας καὶ δόντας καὶ παρόντας μάρτυρας παρ-  
 εσχόμην ἐγώ. τεκμήριον δὲ καὶ πίστις ἐστίν, οὐκ εἴ-  
 τις τι μὴ οἶδε τοῦτον ἔχοντα (πολλοὶ γὰρ ἂν εἶεν),  
 41 ἀλλ' εἴ τις οἶδεν. καταμαρτυρησάντων τοίνυν  
 τοσοῦτων σου μαρτύρων, τίνι τῶν ψευδομαρτυριῶν  
 ἐπεσκήψω; δείξον. ἀλλ' οὐκ ἂν ἔχοις δείξαι.  
 καίτοι πῶς οὐ σαφῶς σὺ σαυτὸν ἐξελέγχεις, ὅτι  
 ψεύδει δεινὰ πεπονημένοι φάσκων καὶ τὴν δίκην  
 ἀδίκως ὠφληκέναι τὸν ἄνθρωπον οὐ παραλαβών, ὃς  
 τοὺς ταῦτα μαρτυρήσαντας ἔχειν σε καὶ λαβεῖν,  
 περὶ ὧν ὡς οὐ καταλειφθέντων σὺ τὸν Μιλύαν  
 ἐξήτεις, ἀφήκας τῶν ψευδομαρτυριῶν; οὓς πολὺ  
 κάλλιον ἦν, εἴπερ ἠδίκησο, διώκειν. ἀλλ' οὐκ  
 ἠδικοῦμένους συκοφαντεῖς.

42 Πολλαχόθεν μὲν οὖν ἂν τις ἴδοι τὴν σὴν πονηρίαν,  
 [857] μάλιστα δ' εἰ περὶ τῆς διαθήκης ἀκούσειεν. τοῦ  
 γὰρ πατρός, ὃ ἄνδρες δικασταί, τὰ καταλειφθέντα  
 πάντ' ἐν τῇ διαθήκῃ γράψαντος, καὶ τὸν οἶκον ὅπως  
 μισθώσουσι, ταύτην μὲν οὐκ ἀπέδωκεν, ἵνα μὴ  
 τὸ πλῆθος εὐροίμ' ἐγὼ τῶν χρημάτων ἐξ αὐτῆς,  
 ὠμολόγει δὲ κεκτῆσθαι ταῦτα, ἃ μάλιστ' οὐχ οἶόν  
 43 τ' ἦν ἐξάρνω γενέσθαι διὰ τὴν περιφάνειαν. ἦν δὲ  
 ταῦθ' ἃ γεγράφθαι φησὶν ἐν τῇ διαθήκῃ, δύο μὲν  
 τάλαντα Δημοφῶντα λαβεῖν εὐθύς, τὴν δ' ἀδελφὴν  
 ὅταν ἠλικίαν ἔχη (τοῦτο δ' ἔμελλεν εἰς ἔτος δέκατον  
 γενήσεσθαι), τοῦτον δ' ὀγδοήκοντα μνᾶς καὶ τὴν

that prove that the plaintiff has none? Far from it; for I produced men who knew, men who paid him the money, men who were present in person, as witnesses. It is convincing proof, not if one is ignorant that a man has something in his possession (for there might be many such), but if one knows that he has it. But of the many witnesses who testified against you, 41 what one have you sued for false testimony? Tell us. But you cannot. Yet you plainly convict yourself, and prove that you lie when you declare that you have been outrageously treated, and that you lost the suit unjustly, because this man was not given up to you—you who made no charge of giving false testimony against the witnesses who testified that you received and had in your possession the property, concerning which you demanded Milyas for torture to prove that it was never left us. If you had really been wronged, it would have been more fitting to proceed against them. But you were not wronged, and are bringing a baseless suit out of malice.

There are many points from which one may see 42 your rascality, but most of all if one hears how you acted regarding the will. For although my father, men of the jury, wrote a will containing an inventory of all that he left, with instructions for letting the property, this will Aphobus never gave up to me, lest I should learn from it the value of the estate, and admitted possessing only those items which were so well known that he could not deny that he had them. The will, according to his statement, contained these 43 provisions: that Demophon should at once receive two talents, and should marry my sister when she should come of age (this would be in ten years); that Aphobus himself should have eighty minae with my

## DEMOSTHENES

- μητέρα τὴν ἐμὴν καὶ τὴν οἰκίαν οἰκεῖν, Θηριππίδην δ' ἑβδομήκοντα μνᾶς λαβόντα καρπώσασθαι, τέως ἀνὴρ γενοίμην. τὰ δ' ἄλλ' ὅσ' ἐμοὶ χωρὶς τούτων κατελείφθη, καὶ τὸ μισθοῦν τὸν οἶκον ἠφάνιζεν ἐκ τῆς διαθήκης, οὐ συμφέρον αὐτῷ νομίζων ταυτ' 44 ἐπιδειχθῆναι παρ' ὑμῖν. ἐπειδὴ τοίνυν ὠμολόγηθ' ὑπ' αὐτοῦ τούτου,<sup>1</sup> τὸν πατέρ' ἡμῶν τελευτῶντα τοσοῦτον ἀργύριον τούτων ἐκάστῳ δοῦναι, τεκμήριον οἱ δικάζοντες τότε τὰς ὁμολογίας ἐποίησαντο ταύτας τοῦ πλήθους τῶν χρημάτων· ὅστις γὰρ ἀπὸ τῶν ὄντων τέτταρα τάλαντα καὶ τρισχιλίας προῖκα καὶ δωρειὰν ἔδωκε, φανερόν ἦν ὅτι οὐκ ἀπὸ μικρᾶς οὐσίας, ἀλλὰ πλεόν ἢ διπλασίας ἧς ἐμοὶ κατέλειπε 45 ταυτ' ἀφείλεν. οὐ γὰρ ἂν ἐδόκει τὸν μὲν υἱὸν ἐμὲ πένητα βούλεσθαι καταστῆσαι, τούτους δὲ πλουσίους ὄντας ἔτι πλουσιωτέρους ποιῆσαι ἐπιθυμεῖν, ἀλλ' ἔνεκα τοῦ πλήθους τῶν ἐμοὶ καταλειπομένων Θηριππίδη τε τὰς ἑβδομήκοντα μνᾶς [858] καὶ Δημοφῶντι τὰ δύο τάλαντα, οὕτω μέλλοντι τῇ ἀδελφῇ τῇ ἐμῇ συνοικήσειν, καρποῦσθαι δοῦναι. ταῦτα δὴ τὰ χρήματ' οὐδαμοῦ παραδοῦς ἐφαίνετο, οὐδ' ἐλάττω μικροῖς· ἀλλὰ τὰ μὲν ἀνηλωκέναι, τὰ δ' οὐ λαβεῖν ἔφη, τὰ δ' οὐκ εἰδέναι, τὰ δὲ τὸν δεῖν ἔχειν, τὰ δ' ἔνδον εἶναι, τὰ δὲ πάντα μᾶλλον ἢ ὅπου παρέδωκεν εἶχε λέγειν.
- 46 Περὶ δὲ τοῦ καταλειφθῆναι<sup>2</sup> τὰ χρήματ' ἔνδον, βούλομαι σαφῶς ὑμῖν ἐπιδείξαι ψευδόμενον. τοῦτον γὰρ τὸν λόγον καθείκεν, ἐπειδὴ τὰ χρήματα μὲν

<sup>1</sup> αὐτοῦ τούτου] αὐτῶν τούτων Blass.

<sup>2</sup> καταλειφθῆναι] μὴ καταλειφθῆναι Blass.

<sup>a</sup> The following passage up to the middle of the section is repeated almost verbatim from Oration XXVII. § 45.



mother, and the house to live in ; and that Therippides should enjoy the interest on seventy minae until I should reach manhood. All the rest of the property left to me apart from these items, and the clause regarding the letting of the estate, he suppressed from the will, not thinking that it was to his interest that these matters should be made known in your court. However, since it was admitted by 44 Aphobus himself that my father on his death-bed gave to each of these men such large sums of money, the jurymen at the former trial considered these admissions to be a proof of the size of the estate. For when a man gave out of his estate four talents and three thousand drachmae by way of marriage-portion and legacy, it was plain that he took these sums, not from a small estate, but from one (bequeathed to me) of more than double this amount. 45 For it cannot be supposed that he would wish to leave me, his son, in poverty, and be eager further to enrich these men, who were already wealthy. No ; it was because of the size of the estate left to me that he gave to Therippides the interest on seventy minae, and to Demophon that on the two talents—though he was not yet to marry my sister. These moneys it has been proved that Aphobus never gave over to me, nor even an amount slightly less. Part of it he said he had spent, part he had never received, part he knew nothing about, part was in the hands of so-and-so, part was in the house, and of part he could say anything except when and where he had paid it over.

As to his story of money left in the house I shall 46 clearly prove to you that he is lying. This argument he speciously introduced, when it had become clear

## DEMOSTHENES

πολλὰ πέφηνεν ὄντα, οὐκ ἔχει δ' ἐπιδείξαι ταυθ' ὡς  
 ἀποδέδωκεν, ἵν' ἐξ εἰκότος οὐδὲν προσῆκον ἡμῖν  
 47 φανῆ κομίζεσθαι τά γ' ὄντα παρ' ἡμῖν. εἰ μὲν  
 τοίνυν ὁ πατήρ ἠπίσται τούτοις, δῆλον ὅτι οὔτ'  
 ἂν τ' ἄλλ' ἐπέτρεπεν, οὔτ' ἂν ἐκεῖν' οὔτω κατα-  
 λείπων αὐτοῖς ἔφραζεν· ὥστε πόθεν ἴσασιν; εἰ δ'  
 ἐπίστευεν, οὐκ ἂν δήπου τὰ μὲν πλείστ' αὐτοῖς τῶν  
 χρημάτων ἐνεχείρισε, τῶν δ' οὐκ ἂν κυρίους ἐποίη-  
 σεν, οὐδ' ἂν τῇ μὲν μητρί μου ταῦτα φυλάττειν  
 παρέδωκεν, αὐτὴν δὲ ταύτην ἐνὶ τῶν ἐπιτρόπων  
 τούτῳ γυναικ' ἠγγύησεν· οὐ γὰρ ἔχει λόγον, σῶσαι  
 μὲν τὰ χρήματα δι' ἐκείνης ζητεῖν, ἕνα δὲ τῶν  
 ἀπιστουμένων καὶ αὐτῆς κἀκείνων κύριον ποιεῖν.  
 48 ἔτι δέ, τούτων εἴ τι ἀληθὲς ἦν, οἴεσθ' οὐκ ἂν αὐτὴν  
 λαβεῖν δοθείσαν ὑπὸ τοῦ πατρός; ὅς τὴν μὲν προῖκ'  
 αὐτῆς ἤδη, τὰς ὀγδοήκοντα μνᾶς, ἔχων ὡς αὐτῇ  
 συνοικήσων, τὴν Φιλωνίδου τοῦ Μελιτέως θυγατέρ'  
 ἔγημε δι' αἰσχροκέρδειαν, ἵνα πρὸς αἷς εἶχε παρ'  
 ἡμῶν, ἑτέρας ὀγδοήκοντα μνᾶς λάβοι παρ' ἐκείνου·  
 τεττάρων δὲ ταλάντων ἔνδον ὄντων, καὶ ταυτ'  
 [859] ἐκείνης ἐχούσης, ὡς οὗτός φησιν, οὐκ ἂν ἠγείσθ'  
 αὐτὸν κὰν ἐπιδραμεῖν, ὥστε γενέσθαι μετ' ἐκείνης  
 49 αὐτῶν κύριον; ἢ τὴν μὲν φανεράν οὐσίαν, ἦν καὶ  
 ὑμῶν πολλοὶ συνήδεσαν ὅτι κατελείφθη, μετὰ τῶν  
 συνεπιτρόπων οὔτως αἰσχροῦς διήρπασεν· ὧν δ' οὐκ

<sup>a</sup> This passage repeats very closely the language of Oration XXVII. §§ 55-57.

that the property was large and was unable to show that he had paid it back, in order that it might appear a reasonable inference that I was wrongfully seeking to recover what was already in my possession. <sup>a</sup> If my 47 father had no confidence in these men it is plain that he would neither have entrusted them with the rest of his property, nor, if he had left this money in the way alleged, would he have told them of it. How, then, do they know about it? But, if he had confidence in them, he would not, I take it, have given into their hands the bulk of his property, and not have put them in charge of the rest. Nor would he have entrusted this remainder to my mother to keep and then have pledged her herself in marriage to this man, who was one of the guardians. For it is not reasonable that he should seek to make the money secure through her, and yet put one of the men whom he distrusted in control both of her and of it. Furthermore, if there were any truth 48 in all this, do you suppose that Aphobus would not have taken my mother to wife, bequeathed to him as she was by my father? He had already taken her marriage-portion—the eighty minae—as though he were going to marry her; but he subsequently married the daughter of Philonides of Melitê, from motives of avarice, in order that, in addition to what he had received from us, he might get from him other eighty minae. But, if there had been four talents in the house, and in her custody, as he alleges, don't you imagine he would have raced to get possession both of her and of them? Would 49 he have joined with his co-trustees in so shamefully plundering my visible property, which many of you knew had been left me, and have refrained, when he

## DEMOSTHENES

ἐμέλλεθ' ὑμεῖς ἔσεσθαι μάρτυρες, ἀπέσχετ' ἂν ἐξὸν αὐτῷ λαβεῖν; καὶ τίς ἂν πιστεύσειεν; οὐκ ἔστι ταῦτ', ὧ ἄνδρες δικασταί, οὐκ ἔστιν· ἀλλὰ τὰ μὲν χρήμαθ', ὅσα κατέλιπεν ὁ πατήρ, ἐκείνη τῇ ἡμέρᾳ κατωρύττετο, ὅτ' εἰς τὰς τούτων χεῖρας ἦλθεν, οὗτος δ' οὐκ ἔχων ἂν εἰπεῖν ὅπου τι τούτων ἀπέδωκεν, ἵν' εὖπορος εἶναι δοκῶν μηδενὸς τύχῃ παρ' ὑμῶν ἐλέου, τούτοις χρήται τοῖς λόγοις.

50 Πολλὰ μὲν οὖν ἔγωγ' ἔχω καὶ ἄλλα τούτου κατηγορεῖν· οὐκ ἐνδέχεται δέ μοι, τῷ μάρτυρι τοῦ κινδύνου περὶ τῆς ἐπιτιμίας ὄντος, περὶ ὧν αὐτὸς ἠδίκημαι λέγειν. ἀλλὰ βούλομαι πρόκλησιν ὑμῖν ἀναγνῶναι· γνώσεσθε γὰρ ἐξ αὐτῆς ἀκούσαντες, τὰ μεμαρτυρημέν' ὡς ἔστιν ἀληθῆ, καὶ τὸν Μιλύαν ὅτι νῦν μὲν περὶ πάντων φησὶν ἐξαιτεῖν, τὸ δὲ πρῶτον ὑπὲρ τριάκοντα μόνον μνῶν ἐξήτει, καὶ προσέτι

51 ζημιούται κατὰ τὴν μαρτυρίαν οὐδέν. ἐγὼ γὰρ πανταχῆ τοῦτον ἐλέγξαι βουλόμενος, καὶ τὰς τέχνας αὐτοῦ καὶ τὰς πανουργίας ἐμφανεῖς ὑμῖν καταστήσαι πειρώμενος, ἠρόμην αὐτὸν πόσ' εἶη τὰ χρήματα τὸ πλῆθος, καθ' ἃ τὸν Μιλύαν ὡς εἰδότην ἐξήτησεν· οὗτος δὲ ψευδάμενος περὶ πάντων ἔφησεν.

“ περὶ μὲν τοίνυν,” ἔφην ἐγώ, “ τούτου παραδώσω σοι τὸν ἔχοντα τὰντίγραφα ὧν σύ με προὔκαλέσω.

52 [860] προομόσαντος δέ μου τὸν ἄνθρωπον ὡς ὠμολόγησας ἐλεύθερον εἶναι καὶ κατὰ Δήμῳνος ἐμαρτύρησας, ἂν ἀπομόσῃς τὰναντία τούτων κατὰ τῆς θυγατρὸς, ἀφήμι σοι πάνθ' ὑπὲρ ὧν ἂν ἐξαιτήσας φανῆς τὸ

had the chance, from seizing a fund to the existence of which you would not be able to testify? Who can believe this? It is impossible, men of the jury; it is impossible. No; all the money which my father left was indeed buried on the day on which it came into the hands of these men; and the defendant, not being able to tell when and where he paid back any of it, makes use of these arguments, hoping that I may seem to be a rich man, and so meet with no compassion from you.

I have many other charges to make against him, 50 but I have not the right to speak of the injuries I myself have suffered, when the witness is in danger of losing his civic rights. Still I wish to read to you a challenge, for you will know, when you have heard it, that the testimony was true, and that Aphobus, who now declares that he demands Milyas to be examined about all the matters involved in the suit, at first demanded him only in regard to a question of thirty minae; and, furthermore, that he has been put to no disadvantage because of the testimony. For I, in my desire to refute him in every particular, 51 and in my attempt to make clear to you his tricks and his villainies, asked him how large the sum was regarding which he demanded to examine Milyas, as one who had knowledge of the facts. To this he replied falsely, that it was in regard to the whole amount. "Well then," said I, "as to this I will give up to you for examination by torture the slave who has the copy of your challenge to me. If, when I have 52 given oath that you acknowledged the man to be free, and that you so testified against Demo, you will swear to the contrary with imprecations upon your daughter, I release to you the entire sum, for which you shall

## DEMOSTHENES

πρώτον βασανιζομένου τοῦ παιδός, καὶ τοσοῦτω σοι γενέσθω τὸ τίμημ' ἔλαττον ὢν ὠφλες, καθ' ὃ τὸν Μιλύαν ἐξήγησας, ἵνα μηδὲν ζημιωθῆς παρὰ  
53 τοὺς μάρτυρας." ταῦτ' ἐμοῦ προκαλεσαμένου πολλῶν παρόντων, οὐκ ἂν ἔφη ποιῆσαι. καίτοι ὅστις αὐτὸς αὐτῷ ταῦτ' ἔφυγεν δικάσαι, πῶς ὑμᾶς χρῆ τοὺς ὀμωμοκότας τούτῳ πιθομένους καταγνώναι τῶν μαρτύρων, ἀλλ' οὐ τοῦτον ἀναισχυντότατον πάντων ἀνθρώπων εἶναι νομίζεις;

Ἄλλὰ μὴν ὡς ἀληθῆ λέγω, κάλει τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

54 Οὐ τοίνυν ἐγὼ μὲν ταῦθ' ἔτοιμος ἦν, οἱ δὲ μάρτυρες οὐ τὴν αὐτὴν μοι γνώμην εἶχον, ἀλλὰ κακείνοι παραστησάμενοι τοὺς παῖδας, ὑπὲρ ὧν ἐμαρτύρησαν, πίστιν ἐπιθεῖναι ἠθέλησαν κατ' ἐκείνων. ὁ δ' οὔτ' ἐκείνοις οὔτ' ἐμοὶ δοῦναι τὸν ὄρκον ἠξίωσεν, ἀλλ' ἐπὶ λόγοις μεμηχανημένοις καὶ μάρτυσιν οὐ τὰληθῆ μαρτυρεῖν εἰθισμένοις τὸ πρᾶγμα καταστήσας, ἐλπίζει ῥαδίως ὑμᾶς ἐξαπατήσειν.

Λάβ' οὖν αὐτοῖς καὶ ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

55 Πῶς οὖν ἂν τις σαφέστερον ἐξελέγξειε συκοφαντουμένους ἡμᾶς καὶ καταμεμαρτυρημένον τὰληθῆ καὶ τὴν δίκην δικαίως ὠφλημένην, ἢ τοῦτον τὸν  
118

be shown by the examination of the slave to have at the first demanded Milyas ; and the damages which you were condemned to pay shall be lessened by thus much—that is, by the amount in regard to which you demanded Milyas, to the end that you may be found to have been put to no disadvantage by the witnesses.” This challenge I made to him 53 in the presence of many witnesses ; but he said he could not accept it. Yet, if a man refused to give this judgement in his own favour, how can it be right for you, who are upon your oaths, to give credence to his words and convict the witnesses, and not rather to regard this man as the most shameless of human-kind ?

To prove that my words are true, call the witnesses to these facts.

#### THE WITNESSES

Do not suppose that while I was ready to take this 54 course, the witnesses did not hold the same opinion. No ; they too were ready to place their children by their side, and in confirmation of the testimony they had given, to take an oath with imprecations upon them, if they swore falsely. But Aphobus did not see fit to allow an oath to be given either to them or to me. Instead, he rests his case on arguments subtly planned and on witnesses accustomed to perjury, and thinks thereby easily to mislead you.

So take and read to the jury this deposition also.

#### THE DEPOSITION

How could one prove more clearly than I have 55 proved that we are the object of a malicious charge ; that the evidence brought forward against my opponent is true ; and that his condemnation was

## DEMOSTHENES

τρόπον ἐπιδεικνύς; οἰκέτην τὸν τὴν μαρτυρίαν  
 [861] γράφοντ' οὐκ ἐθελήσαντα τοῦτον βασανίζειν περὶ  
 αὐτῶν τῶν μεμαρτυρημένων· Αἴσιον τὸν ἀδελφὸν  
 αὐτοῦ ταῦτα μεμαρτυρηκότα, ἃ φησιν εἶναι ψευδῆ·  
 56 τοῦτον αὐτὸν ταῦτὰ τοῖς μάρτυσιν οὓς διώκει με-  
 μαρτυρηκότα μοι κατὰ Δήμωνος, ὄντος αὐτῷ θείου  
 καὶ συνεπιτρόπου· τὰς θεραπαίνας οὐκ ἐθελήσανθ'  
 ὑπὲρ τοῦ τὸν ἄνθρωπον ἐλεύθερον εἶναι βασανίζειν·  
 τὴν μητέρα τὴν ἑμαυτοῦ πίστιν περὶ τούτων ἐπι-  
 θεῖναι καθ' ἡμῶν ἐθέλουσαν· τῶν ἄλλων οἰκετῶν  
 οὐκ ἐθελήσαντα τοῦτον παραλαμβάνειν οὐδένα, τῶν  
 πάντ' εἰδόντων μᾶλλον ἢ Μιλύας· τῶν μαρτύρων οἱ  
 κατεμαρτύρουν χρήματ' ἔχειν αὐτόν, οὐδενὶ τῶν  
 57 ψευδομαρτυριῶν ἐπεσκημμένον· τὴν διαθήκην οὐκ  
 ἀποδόντα, οὐδὲ τὸν οἶκον μισθώσαντα τῶν νόμων  
 κελευόντων· πίστιν ἐπιθεῖναι προομνύντος ἑμοῦ καὶ  
 τῶν μαρτύρων, ὥστ' ἀφείσθαι τοῦτον τῶν χρη-  
 μάτων καθ' ἃ τὸν Μιλύαν ἐξήγησεν, οὐκ οἰηθέντα  
 δεῖν; μὰ τοὺς θεούς, ἐγὼ μὲν οὐκ ἂν ἔχοιμ'  
 ἐπιδείξαι ταῦτ' ἀκριβέστερον ἢ τοῦτον τὸν τρόπον·  
 οὕτω τοίνυν φανερώς τῶν τε μαρτύρων καταψευδό-  
 μενος, καὶ ἐκ τῶν πραγμάτων οὐδὲν ζημιούμενος,  
 καὶ τὴν δίκην δικαίως ὠφληκῶς, ὅμως ἀναισχυντεῖ.  
 58 καὶ εἰ μὲν μὴ καὶ παρὰ τοῖς αὐτοῦ φίλοις καὶ παρὰ  
 τῷ διαιτητῇ προεγνωσμένος ἀδικεῖν τούτους ἐποι-  
 εῖτο τοὺς λόγους, ἦττον ἂν ἦν ἄξιον θαυμάζειν· νῦν

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<sup>a</sup> Demo was not actually a trustee, but in Oration XXVIII, § 15 it is stated that the elder Demosthenes had called him to be present, when, on his death-bed, he had entrusted his affairs and the guardianship of his children to the three named as trustees. He was the father of Demophon, and had very possibly taken part in the management of the trust.



## AGAINST APHOBUS, III. 55-58

just? I have shown that he refused to examine by torture the slave who wrote the testimony regarding the very things to which he had testified; that his brother, Aesius, has attested the facts which he on his part declares to be false; that Aphobus himself 56 has, at my summons, given against Demo,<sup>a</sup> his uncle and co-trustee, the same testimony as the witnesses whom he is suing; that he refused to examine my women-servants as to the fact of Milyas being a free-man: that my own mother was ready to give an oath regarding these matters with imprecations upon us; that he refused to accept for examination any one of my other slaves who knew all the circumstances better than Milyas did; that he has not brought a charge of false witness against any one of those who testified that he had the money: that he did not 57 give over the will, nor let the house, although the laws so bade; and finally that he did not see fit to give an oath, after the witnesses and I myself had sworn, whereby he could have secured release to the amount of the sums regarding which he had demanded Milyas for torture. By heaven, I certainly could think of no better way than this to establish these facts. Yet, plain as it is that he falsely attacks the witnesses; that he suffers no damage from the facts adduced; that he was justly condemned; he still tries to brazen it out. If it were not that he 58 uses his present language after having at the outset been judged to be in the wrong by his own friends and by the arbitrator, there would be less reason to wonder

Another alternative suggestion is that Demosthenes may have instituted suit against Demo on quite other grounds of which we have no knowledge. This complicated problem is ably discussed by Calhoun, *l.c.* pp. 88 ff.

## DEMOSTHENES

δ' ἐπιτρέψαι με πείσας Ἀρχένεω καὶ Δρακοντίδῃ  
 καὶ Φάνῳ τούτῳ τῷ νῦν ὑπ' αὐτοῦ φεύγοντι τῶν  
 ψευδομαρτυριῶν, τούτους μὲν ἀφῆκεν ἀκούσας  
 [862] αὐτῶν ὅτι, εἰ μεθ' ὄρκου ταῦτα διαιτήσουσι, κατα-  
 γνώσκονται τὴν ἐπιτροπὴν, ἐπὶ τὸν κληρωτὸν δὲ  
 διαιτητὴν ἐλθὼν καὶ οὐδὲν ἔχων ἀπολύσασθαι τῶν  
 59 ἐγκεκλημένων, ὠφλε τὴν δίαίταν. οἱ δικασταὶ δ'  
 ἀκούσαντες, εἰς οὓς ἐφῆκε, ταῦτ' αὖ καὶ τοῖς τούτου  
 φίλοις καὶ τῷ διαιτητῇ περὶ αὐτῶν ἔγνωσαν καὶ  
 δέκα ταλάντων ἐτίμησαν, οὐ μὰ Δί' οὐχ ὅτι τὸν  
 Μιλύαν ὠμολόγησεν εἶναι ἐλεύθερον (τοῦτο μὲν γὰρ  
 οὐδὲν ἦν), ἀλλ' ὅτι πεντεκαίδεκα ταλάντων οὐσίας  
 μοι καταλειφθείσης, τὸν μὲν οἶκον οὐκ ἐμίσθωσε,  
 δέκα δ' ἔτη μετὰ τῶν συνεπιτρόπων διαχειρίσας,  
 πρὸς μὲν τὴν συμμορίαν ὑπὲρ παιδὸς ὄντος ἐμοῦ  
 60 πέντε μνᾶς συνετάξατ' εἰσφέρειν, ὅσον περ Τιμόθεος  
 ὁ Κόνωνος καὶ οἱ τὰ μέγιστα κεκτημένοι τιμῆματ'  
 εἰσέφερον, χρόνον δὲ τοσοῦτον τὰ χρήματα ταῦτ'  
 ἐπιτροπεύσας, ὑπὲρ ὧν τηλικαύτην αὐτὸς εἰσφορὰν  
 ἠξίωσεν εἰσφέρειν, ἐμοὶ τὸ μὲν καθ' αὐτὸν οὐδ'  
 εἴκοσι μνῶν ἄξια παρέδωκε, μετὰ δ' ἐκείνων ὅλα  
 τὰ κεφάλαια καὶ τὰς ἐπικαρπίας ἀπεστέρησεν.  
 θέντες οὖν οἱ δικασταὶ τοῖς πᾶσι χρήμασιν οὐκ  
 ἐφ' ὅσῳ μισθοῦσι τοὺς οἴκους τόκον, ἀλλ' ὅς ἦν  
 ἐλάχιστος, εὖρον τὸ σύμπαν πλέον ἢ τριάκοντα  
 τάλαντ' αὐτοὺς ἀποστεροῦντας· διὸ τούτῳ τῶν δέκα  
 ταλάντων ἐτίμησαν.

<sup>a</sup> See notes *b* and *c* on Oration XXVII. p. 11.

at all this. But the fact is, that after persuading me to refer the matter to Archeneüs and Dracontides and Phanus (the last of whom he is now suing on a charge of giving false witness), he rejected them (having heard them say that, if they decided on oath, they would condemn his conduct as guardian), and appeared before the official arbitrator, who, since Aphobus was unable to clear himself from the charges which I brought, gave judgement against him. The <sup>59</sup> jury, to whom he then appealed, having heard the case, gave the same decision that his own friends and the arbitrator had given, and fixed the damages at ten talents. This was not, heaven knows, because he had admitted Milyas to be a freeman (for this was nothing to the point), but because, a fortune of fifteen talents having been left me, he had not let the property ; because further, he with his co-trustees had the management of the estate for ten years, and agreed on behalf of me, a child, to pay a property-tax at the rate of five minae,<sup>a</sup> the same rate at which <sup>60</sup> Timotheüs, son of Conon, and those possessing the largest fortunes were assessed : and because, after administering for so long an estate, on which he voluntarily chose to pay so high a tax, he turned over to me, as the amount due from him, property not even of the value of twenty minae, having together with those others robbed me of my whole estate, principal as well as interest. The jurymen, therefore, although they allowed interest on the whole property at the lowest rate, and not that at which estates are ordinarily let, found that these men had robbed me of more than thirty talents, and accordingly fixed the damages against Aphobus at ten talents.



# AGAINST ONETOR

I



## INTRODUCTION

WE are told in the preceding speech (§ 3) that Aphobus, after being condemned to pay Demosthenes damages in the amount of ten talents, proceeded to make it as difficult as possible for Demosthenes to collect that sum, or, indeed, anything at all. He disposed of his visible property, and himself took up residence at Megara. He had a farm, valued at a talent, of which Demosthenes sought to take possession, only to find that Onetor, the brother-in-law of Aphobus, was occupying it, claiming that it had been mortgaged to him as security for the amount of his sister's dowry. This dowry, alleged to have been paid to Aphobus at the time of the marriage, had become repayable, inasmuch as Aphobus had divorced his wife. On attempting to take possession of the land, as he had to do for himself, there being in Athens no officer corresponding to our sheriff, Demosthenes was driven off by Onetor; hence the present suit—technically a *δίκη ἐξούλης*, a suit for ejectment. The speaker's contention is that the marriage-portion had never been really paid, that the divorce was a fiction, and that the alleged mortgage was but a scheme devised by Aphobus and Onetor to prevent him (Demosthenes) from securing the property.

The speeches against Onetor are discussed in Schaefer, i. pp. 267 ff., and in Blass, iii. pp. 238 ff.

XXX  
ΠΡΟΣ ΟΝΗΤΟΡΑ ΕΞΟΥΛΗΣ

Α

[364] Περὶ πολλοῦ ποιούμενος, ὦ ἄνδρες δικασταί, μήτε πρὸς Ἄφοβόν μοι συμβῆναι τὴν γενομένην διαφοράν, μήτε τὴν νῦν οὔσαν πρὸς Ὀνήτορα τουτονί, κηδεστὴν ὄντ' αὐτοῦ, πολλὰ καὶ δίκαια προκαλεσάμενος ἀμφοτέρους, οὐδενὸς ἐδυνήθην τυχεῖν τῶν μετρίων, ἀλλ' εὔρηκα πολὺ τοῦτον ἐκείνου δυσκολώτερον καὶ μᾶλλον ἄξιον ὄντα δοῦναι δίκην.

2 τὸν μὲν γὰρ οἰόμενος δεῖν ἐν τοῖς φίλοις διαδικάσασθαι τὰ πρὸς ἐμέ, καὶ μὴ λαβεῖν ὑμῶν πείραν, οὐχ οἴός τ' ἐγενόμην πείσαι· τοῦτον δ' αὐτὸν αὐτῷ κελεύων γενέσθαι δικαστήν, ἵνα μὴ παρ' ὑμῖν κινδυνεύσῃ, τοσοῦτον κατεφρονήθην, ὥστ' οὐχὶ μόνον λόγου τυχεῖν οὐκ ἠξιώθην, ἀλλὰ καὶ ἐκ τῆς γῆς ἧς Ἄφοβος ἐκέκτητο, ὅτ' ὠφλίσκανέ μοι τὴν δίκην,

3 ὑβριστικῶς ὑπ' αὐτοῦ πάνυ ἐξεβλήθην. ἐπειδὴ οὖν συναποστερεῖ τέ με τῶν ὄντων τῷ ἑαυτοῦ κηδεστῇ, πιστεύων τ' εἰς ὑμᾶς εἰσελήλυθε ταῖς αὐτοῦ παρασκευαῖς, ὑπόλοιπόν ἐστιν ἐν ὑμῖν πειρᾶσθαι παρ' αὐτοῦ τῶν δικαίων τυγχάνειν. οἶδα μὲν οὖν, ὦ ἄνδρες δικασταί, ὅτι μοι πρὸς παρασκευὰς λόγων



## XXX

## AGAINST ONETOR, AN EJECTMENT SUIT

## I

I SHOULD have been most glad, men of the jury, had the difference which I have had with Aphobus, and also that in which I am now involved with this man Onetor, his brother-in-law, not come about. Accordingly, I made to them both many fair offers, but I have been unable to secure any reasonable action from either of them. On the contrary, I have found this man far harder to deal with, and more worthy of punishment than the other. In the case of Aphobus, I held <sup>2</sup> that his controversy with me should be settled among our friends, and not come to trial before you, but I could not persuade him. But this man, when I bade him act as judge in his own case, that he might not risk a trial before you, treated me with such contempt, that not only did he not think fit to give me a hearing, but I was even in the most outrageous manner driven off the land, which belonged to Aphobus, when he lost his suit to me. Since, therefore, he joins with <sup>3</sup> his brother-in-law in seeking to deprive me of what is mine, and has come before you, trusting in the measures he has concocted, there is no other course open to me than to try in your court to get justice from him. I know well, men of the jury, that I have to con-

## DEMOSTHENES

καὶ μάρτυρας οὐ τάληθῆ μαρτυρήσοντας ὁ ἀγὼν  
 ἐστίν· ὅμως μέντοι τοσοῦτον οἶμαι διοίσειν τῷ  
 4 δικαιοτέρα τούτου λέγειν, ὥστ' εἰ καὶ τις ὑμῶν  
 πρότερον τοῦτον ἠγεῖτ' εἶναι μὴ πονηρόν, ἔκ γε τῶν  
 [865] πρὸς ἐμὲ πεπραγμένων γνώσεσθαι, ὅτι καὶ τὸν  
 ἄλλον χρόνον ἐλάνθανεν αὐτὸν κάκιστος ὢν καὶ  
 ἀδικώτατος ἀπάντων. ἀποδείξω γὰρ αὐτὸν οὐ  
 μόνον τὴν προῖκ' οὐ δεδωκότα, ἧς φησι νῦν ἀπο-  
 τετιμῆσθαι τὸ χωρίον, ἀλλὰ καὶ ἐξ ἀρχῆς τοῖς ἐμοῖς  
 ἐπιβουλεύσαντα, καὶ πρὸς τούτοις τὴν μὲν γυναῖκ'  
 οὐκ ἀπολελοιπυῖαν, ὑπὲρ ἧς ἐξήγαγέ μ' ἐκ ταύτης  
 5 τῆς γῆς, προϊστάμενον δ' ἐπ' ἀποστερήσει τῶν  
 ἐμῶν Ἀφόβου καὶ τούτους ὑπομένοντα τοὺς ἀγῶ-  
 νας, οὕτω μεγάλοις τεκμηρίοις καὶ φανεροῖς ἐλέγ-  
 χοις, ὥστ' ὑμᾶς ἅπαντας εἴσεσθαι σαφῶς, ὅτι  
 δικαίως καὶ προσηκόντως οὗτος φεύγει ταύτην ὑπ'  
 ἐμοῦ τὴν δίκην. ὅθεν δὲ ῥᾶστα μαθήσεσθε περὶ  
 αὐτῶν, ἐντεῦθεν ὑμᾶς καὶ ἐγὼ πρῶτον πειράσομαι  
 διδάσκειν.

6 Ἐγὼ γάρ, ὦ ἄνδρες δικασταί, πολλοὺς τ' ἄλλους  
 Ἀθηναίων καὶ τοῦτον οὐκ ἐλάνθανον κακῶς ἐπιτρο-  
 πευόμενος, ἀλλ' ἦν καταφανῆς εὐθύς ἀδικούμενος·  
 τοσαῦται πραγματεῖαι καὶ λόγοι καὶ παρὰ τῷ  
 ἄρχοντι καὶ παρὰ τοῖς ἄλλοις ἐγίγνονθ' ὑπὲρ τῶν  
 ἐμῶν. τό τε γὰρ πλῆθος τῶν καταλειφθέντων ἦν  
 φανερόν, ὅτι τ' ἀμίσθωτον τὸν οἶκον ἐποίουν οἱ  
 διαχειρίζοντες, ἔν' αὐτοῖς τὰ χρήματα καρποῖντο,  
 οὐκ ἄδηλον ἦν. ὥστ' ἐκ τῶν γιγνομένων οὐκ ἔσθ'  
 ὅστις οὐχ ἠγεῖτο τῶν εἰδότεων δίκην με λήψεσθαι.

## AGAINST ONETOR, I. 3-6

tend against arguments craftily prepared, and against witnesses who are going to give false testimony; nevertheless I think that I shall have such an advantage over him because of the justice of my cause, that, even if any one of you heretofore thought him 4 an honest man, he will learn from the defendant's acts toward me that even in time past he has been, without your knowing it, the basest and most unrighteous of men. I shall show, namely, that he has not only never paid the marriage-portion, to secure which he alleges that the land has been mortgaged, but from the very start has schemed to defraud me of my rights; that, further, the lady, on whose behalf he drove me from the land in question, has not been divorced at all; and that he is now screening 5 Aphobus, and standing this trial with the purpose of depriving me of what is mine. This I shall show by such strong and manifest proofs, that you will see how just and proper it is that I have instituted this action against him. I shall commence with matters which will best enable you to grasp the facts of the case.

In common with many others of the Athenians, 6 men of the jury, this man was well aware that my guardians were proving false to their trust. Indeed, it became clear very early that I was being wronged, so many were the discussions and arguments regarding my affairs held before the archon and before other officials. For the value of the property left me was well known, and it was pretty clear that the administrators were leaving it unlet in order that they might have the use of the money themselves. There was not a single one, therefore, among those who realized what was going on, who did not expect that I should obtain a judgement for damages from these men, as

## DEMOSTHENES

παρ' αὐτῶν, ἐπειδὴ τάχιστ' ἀνὴρ εἶναι δοκιμα-  
 7 σθείην. ἐν οἷς καὶ Τιμοκράτης καὶ Ὀνήτωρ ταύτην  
 ἔχοντες διετέλεσαν τὴν διάνοιαν. τεκμήριον δὲ  
 πάντων μέγιστον· οὗτος γὰρ ἐβουλήθη μὲν Ἀφόβῳ  
 δοῦναι τὴν ἀδελφὴν, ὁρῶν τῆς θ' αὐτοῦ πατρῶας  
 οὐσίας καὶ τῆς ἐμῆς οὐκ ὀλίγης αὐτὸν κύριον  
 [866] γεγενημένον, προέσθαι δὲ τὴν προῖκ' οὐκ ἐπί-  
 στευσεν, ὥσπερ εἰ τὰ τῶν ἐπιτροπευόντων χρήματ'  
 ἀποτίμημα τοῖς ἐπιτροπευομένοις καθεστάναι νομί-  
 ζων. ἀλλὰ τὴν μὲν ἀδελφὴν ἔδωκε, τὴν δὲ προῖκ'  
 αὐτῷ Τιμοκράτης ἐπὶ πέντ' ὀβολοῖς ὀφειλήσειν  
 ὠμολόγησεν, ᾧ πρότερον ἢ γυνὴ συνοικοῦσ' ἐτύγ-  
 8 χανεν. ὀφλόντος δέ μοι τὴν δίκην Ἀφόβου τῆς  
 ἐπιτροπῆς, καὶ οὐδὲν δίκαιον ποιεῖν ἐθέλοντος,  
 διαλύειν μὲν ἡμᾶς Ὀνήτωρ οὐδ' ἐπεχείρησεν, οὐκ  
 ἀποδεδωκῶς δὲ τὴν προῖκα, ἀλλ' αὐτὸς κύριος ὢν,  
 ὡς ἀπολελοιπυίας τῆς ἀδελφῆς καὶ δούς, κομίσα-  
 σθαι δ' οὐ δυνάμενος, ἀποτιμήσασθαι φάσκων τὴν  
 γῆν ἐξάγειν μ' ἐξ αὐτῆς ἐτόλμησε· τοσοῦτον καὶ  
 ἐμοῦ καὶ ὑμῶν καὶ τῶν κειμένων νόμων κατ-  
 9 εφρόνησεν. καὶ τὰ μὲν γενόμενα, καὶ δι' ἃ φεύγει  
 τὴν δίκην καὶ περὶ ὧν οἴσετε τὴν ψῆφον, ταῦτ'  
 ἐστίν, ᾧ ἄνδρες δικασταί· παρέξομαι δὲ μάρτυρας  
 πρῶτον μὲν αὐτὸν Τιμοκράτην, ὡς ὠμολόγησεν  
 ὀφειλήσειν τὴν προῖκα, καὶ τὸν τόκον ἀπεδίδου τῆς  
 προικὸς Ἀφόβῳ κατὰ τὰς ὁμολογίας, ἔπειθ' ὡς

<sup>a</sup> The remark is sarcastic. Demosthenes represents Onetor as fearing lest the suit of Demosthenes against Aphobus

## AGAINST ONETOR, I. 7-9

soon as I should attain my majority. Among those 7  
 who from first to last held this opinion were Timocrates and Onetor. Of this I can give you the strongest of proofs. For the defendant wished to give his sister in marriage to Aphobus, seeing that he had got into his hands his own patrimony and mine (which was not inconsiderable) as well ; but he had not confidence enough in him to abandon her marriage-portion. It was as if he felt, forsooth, that the property of guardians was a security for their wards.<sup>a</sup> He did, however, give him his sister, but the portion, Timocrates, who had been her former husband, agreed to keep as a loan with interest at the rate of five obols.<sup>b</sup> When I had won my suit against Aphobus in the 8  
 matter of the guardianship and he still refused to make any just settlement, Onetor did not even try to settle our dispute, but, alleging that his sister had been divorced, and that he was unable to get back her marriage-portion, which he had paid (although he had not paid it, and it was even then in his possession), declared that he had taken a mortgage on the land, and had the effrontery to expel me from it ; such was his contempt for me, and for you, and for the laws which were in force. These, men 9  
 of the jury, are the facts because of which he is defendant in the present suit, and regarding which you are to cast your vote. I shall bring forward witnesses, and in the first instance Timocrates himself, who will testify that he agreed to hold the dowry as a loan, and that he continued to pay interest on it to Aphobus according to the agreement ; also that might make it questionable whether the latter would be in a position to repay the marriage-portion, if called upon to do so.

<sup>b</sup> That is, at 10 per cent, instead of the ordinary 18 per cent.

## DEMOSTHENES

αὐτὸς Ἄφοβος ὠμολόγει κομίζεσθαι τὸν τόκον παρὰ Τιμοκράτους.

Καί μοι λαβὲ τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 10 Ἐξ ἀρχῆς μὲν τοίνυν ὁμολογεῖται μὴ δοθῆναι τὴν προῖκα μηδὲ γενέσθαι κύριον αὐτῆς Ἄφοβον. δῆλον δὲ καὶ ἐκ τῶν εἰκότων, ὅτι τούτων ἔνεχ' ὦν εἴρηκα ὀφείλειν εἶλοντο μᾶλλον, ἢ καταμεῖξαι τὴν προῖκ' εἰς τὴν οὐσίαν τὴν Ἄφόβου τὴν οὕτω κινδυνευθήσεσθαι μέλλουσαν. οὔτε γὰρ δι' ἀπορίαν οἶόν τ' εἶπεῖν ὡς οὐκ εὐθὺς ἀπέδοσαν. Τιμοκράτει τε γὰρ ἔστιν οὐσία πλέον ἢ δέκα ταλάντων, Ὀνήτορί τε
- [867] πλέον ἢ τριάκοντα, ὥστ' οὐκ ἂν διὰ τοῦτό γ' εἶεν
- 11 οὐκ εὐθὺς δεδωκότες· οὔτε κτήματα μὲν ἦν αὐτοῖς, ἀργύριον δ' οὐκ ἔτυχε παρόν, ἢ γυνὴ δ' ἐχίρρευε, διὸ πράξαι ταῦτ' ἠπειχθησαν οὐχ ἅμα τὴν προῖκα διδόντες· ἀργύριόν τε γὰρ οὗτοι δανείζουσιν ἄλλοις οὐκ ὀλίγον, συνοικοῦσάν τε ταύτην, ἀλλ' οὐ χηρεύουσαν παρὰ Τιμοκράτους ἐξέδοσαν, ὥστ' οὐδ' ἂν ταύτην τὴν σκῆψιν εἰκότως αὐτῶν τις ἀποδέξαιτο.
- 12 καὶ μὲν δὴ, ὦ ἄνδρες δικασταί, κάκεινο ἂν πάντες ὁμολογήσαιτε, ὅτι τοιοῦτο πράγμα συναλλάττων ὅστισοῦν ἔλοιτ' ἂν ἐτέρῳ μᾶλλον ὀφείλειν, ἢ κηδεστῆ τὴν προῖκα μὴ ἀποδοῦναι. μὴ διαλυσάμενος μὲν γὰρ γίγνεται<sup>1</sup> χρήστης ἄδηλος εἶτ' ἀποδώσει δικαίως εἴτε μή, μετὰ δὲ τῆς γυναικὸς

<sup>1</sup> γίγνεται] [ἔσται] Blass.

## AGAINST ONETOR, I. 9-12

Aphobus himself acknowledged that he received the interest from Timocrates.

Take the depositions.

### THE DEPOSITIONS

From the very first, you see, it is admitted that the dowry was not paid to Aphobus, and that he did not get it under his control. And it seems very probable that on account of the facts which I have mentioned, they chose to continue as debtors for the dowry, rather than to have it involved in the estate of Aphobus which was sure to be so seriously endangered. For it is impossible for them to claim that poverty prevented their paying it over at once, since Timocrates has an estate of more than ten talents, and Onetor one of more than thirty ; so this cannot have been the reason why they have not made an immediate payment. Nor can they claim that they had property indeed, but no ready money, or that the lady was a widow, and that they therefore hastened to conclude matters without at once paying her portion. For these men are in the habit of lending considerable sums to others, and moreover, the lady was not a widow, but when they gave her in marriage, it was from the house of Timocrates, where she was living with him as his wife ; so that there is no reasonable ground why one should accept this excuse either. Further, men of the jury, I think you would all agree to this, that, in arranging a matter of this sort, any one would choose to borrow money of another, rather than fail to pay the dowry to his sister's husband. For if a man does not settle this matter he becomes a debtor, regarding whom it is uncertain whether he will meet his just obligations or not ; but if together with the lady he gives also what is hers, he becomes a

## DEMOSTHENES

- 13 τὰ κείνης ἀποδοὺς οἰκείος καὶ κηδεστής· ἐν οὐδεμιᾷ γὰρ ἐστὶν ὑποψία τὰ δίκαια πάντα ποιήσας. ὥσθ' οὕτως τοῦ πράγματος ἔχοντος, καὶ τούτων οὐδὲ καθ' ἐν ὧν εἶπον ὀφείλουν ἀναγκασθέντων, οὐδὲ βουλευθέντων ἄν, οὐκ ἔστ' εἰπεῖν ἄλλην πρόφασιν δι' ἣν οὐκ ἀπέδοσαν, ἀλλ' ἀνάγκη ταύτην εἶναι τὴν αἰτίαν, δι' ἣν δοῦναι τὴν προικ' οὐκ ἐπίστευσαν.
- 14 Ἐγὼ τοίνυν ὁμολογουμένως οὕτω ταῦτ' ἐλέγχων, ὡς οὐδ' ὕστερον ἀπέδοσαν, οἶμαι ῥαδίως ἐπιδείξειν ἐξ αὐτῶν τῶν πεπραγμένων, ὥσθ' ὑμῖν γενέσθαι φανερόν, ὅτι κἂν εἰ μὴ ἐπὶ τούτοις, ἀλλ' ἐπὶ τῷ διὰ ταχέων ἀποδοῦναι τὰ γύριον εἶχον, οὐκ ἂν ποτ' ἀπέδοσαν οὐδ' ἂν προεῖντο· τοιαύτας ἀνάγκας εἶχεν
- 15 αὐτοῖς τὸ πρᾶγμα. δύο μὲν γὰρ ἐστὶν ἔτη τὰ μεταξὺ τοῦ συνοικῆσαί τε τὴν γυναῖκα καὶ φῆσαι [868] τούτους πεποιῆσθαι τὴν ἀπόλειψιν· ἐγγήματο μὲν γὰρ ἐπὶ Πολυζήλου ἄρχοντος σκιροφοριῶνος μηνός, ἡ δ' ἀπόλειψις ἐγράφη ποσιδεῶνος μηνός ἐπὶ Τιμοκράτους· ἐγὼ δ' εὐθέως μετὰ τοὺς γάμους

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<sup>a</sup> To understand the argument of the speech the reader should bear in mind certain facts regarding the Athenian laws concerning marriage and divorce.

To make a marriage legal at Athens it was necessary that both bride and bridegroom be of pure Athenian stock, and that the bride be given away by her father, or, if she had no father living, by her nearest male relative (her guardian or *κύριος*). The marriage-contract was between the bridegroom and this guardian, and the marriage-portion was paid by the guardian to the bridegroom. In the case of Onetor's sister Demosthenes asserts that the portion was not paid outright to Aphobus, but was retained by her former husband, Timocrates, who was to pay interest on it at 10 per cent.

The husband might divorce his wife, but he was required to send her back to her guardian with her personal effects and her portion, or to pay interest on the portion, normally



kinsman and a brother-in-law, for he is not under any suspicion, since he has done all that justice demanded. Seeing that the matter stands thus, and that they were not forced by a single one of the causes which I have mentioned to let this debt stand, and could not have desired to do so, it is not possible to suggest any other excuse for non-payment. It must be for the reason which I have mentioned—that they did not trust Aphobus enough to pay him the dowry.<sup>a</sup>

I have established this point, then, in this way beyond all controversy; and I think I shall easily demonstrate from the facts themselves that they did not pay the portion subsequently either; so that it will be clear to you that even if they withheld the money, not for the reasons I have mentioned, but with the intention of speedy payment, they would never actually have paid it, or let it slip out of their hands; with such urgency did the case press upon them. There was an interval of two years between the marriage of the woman and their declaration that the divorce had taken place. She was married in the archonship of Polyzelus, in the month of Scirophorion,<sup>b</sup> and the divorce was registered in the month of Poseidon,<sup>c</sup> in the archonship of Timocrates. I, on my part, was admitted to citizenship<sup>d</sup> immedi-

at 18 per cent until it was paid. His action in sending away his wife was technically called ἀπόπεμψις.

On the other hand the wife might leave her husband with his consent, or for cause. If the husband's consent could not be obtained, the woman presented herself before the archon and stated her case. The act, taken on her initiative, was termed ἀπόλειψις, and in this case, too, her portion went with her.

<sup>b</sup> That is, in June 366.      <sup>c</sup> That is, in December 364.

<sup>d</sup> See note *b*, on p. 9, and Aristotle, *Constitution of Athens*, 42. 2.

## DEMOSTHENES

- δοκιμασθεὶς ἐνεκάλουν καὶ λόγον ἀπήτουν, καὶ πάντων ἀποστερούμενος τὰς δίκας ἐλάγχανον ἐπὶ  
 16 τοῦ αὐτοῦ ἄρχοντος. ὁ δὲ χρόνος οὗτος ὀφειλῆσαι μὲν ἐνδέχεται κατὰ τὰς ὁμολογίας, ἀποδοῦναι δ' οὐκ ἔχει πίστιν. ὅς γὰρ διὰ ταῦτ' ἐξ ἀρχῆς ὀφείλειν εἴλετο καὶ τόκον φέρειν, ἵνα μὴ κινδυνεύοι ἢ προῖξ μετὰ τῆς ἄλλης οὐσίας, πῶς οὗτος ἂν ἀπέδωκεν ἤδη τὴν δίκην φεύγοντος, ὅς εἰ καὶ τότε ἐπίστευσε, τηρικαῦτ' ἂν ἀπολαβεῖν ἐζήτησεν; οὐκ ἔνεστι δῆπουθεν, ὦ ἄνδρες δικασταί.
- 17 Ἄλλὰ μὲν ὡς ἐγήματο μὲν ἢ γυνὴ καθ' ὃν ἐγὼ λέγω χρόνον, ἀντίδικοι δ' ἡμεῖς ἤδη πρὸς ἀλλήλους ἐν τῷ μεταξὺ χρόνῳ κατέστημεν, ὕστερον δ' ἢ ἐγὼ τὴν δίκην ἔλαχον τὴν ἀπόλειψιν οὗτοι πρὸς τὸν ἄρχοντ' ἀπεγράψαντο, λαβέ μοι καθ' ἕκαστον ταύτας τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑ

Μετὰ τοίνυν τοῦτον τὸν ἄρχοντα Κηφισόδωρος, Χίων. ἐπὶ τούτων ἐνεκάλουν δοκιμασθεὶς, ἔλαχον δὲ τὴν δίκην ἐπὶ Τιμοκράτους.  
 Λαβέ ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 18 Ἀνάγνωθι δὲ καὶ ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

Δῆλον μὲν τοίνυν καὶ ἐκ τῶν μεμαρτυρημένων, ὅτι τὴν προῖκ' οὐ δόντες, ἀλλ' ἐπὶ τῷ διασώζειν

ately after the marriage, laid my charges, and demanded an accounting; and, finding that I was being robbed of all my property, instituted my suit under the last-mentioned archon. The shortness of the time makes the continuance of the debt in accordance with the agreement not unlikely, but it is incredible that it should have been paid. For do you suppose that the defendant here, a man who at the first chose to owe the money and to pay interest on it, in order that his sister's dowry might not be jeopardized along with the rest of her husband's property, would have paid it when suit had already been instituted against that husband? Why, even if he had at the first trusted him with the money, he would then at once have sought to recover it. No, men of the jury; the supposition is, I presume, impossible.

To prove that the woman married at the time I mention; that in the interim Aphobus and I had already gone to law; and that those men did not register the divorce with the archon until after I had instituted my suit, take, please, these depositions regarding each point.

THE DEPOSITIONS

After this archon came Cephisodorus and then Chion. During their term of office, having been admitted to citizenship, I continued to press my charges, and in the archonship of Timocrates I began my suit.

Take this deposition, please.

THE DEPOSITION

Read also this deposition.

18

THE DEPOSITION

It is clear, then, from the evidence adduced that it is not because they have paid the dowry, but because

## DEMOSTHENES

Ἀφόβῳ τὴν οὐσίαν ταῦτα τολμῶσι πράττειν. οἱ  
 γὰρ ἐν τοσοῦτῳ χρόνῳ καὶ ὀφειλῆσαι καὶ ἀπο-  
 δοῦναι καὶ τὴν γυναῖκ' ἀπολιπεῖν καὶ οὐ κομίσα-  
 [869] σθαι καὶ τὸ χωρίον ἀποτιμήσασθαι φασι, πῶς οὐ  
 φανερόν ὅτι προστάντες τοῦ πράγματος τὰ γνω-  
 19 σθένθ' ὑφ' ὑμῶν ἀποστερῆσαί με ζητοῦσιν; ὡς δὲ  
 καὶ ἐξ ὧν αὐτὸς οὗτος καὶ Τιμοκράτης καὶ Ἀφοβος  
 ἀπεκρίναντο, οὐχ οἶόν τ' ἀποδεδόσθαι τὴν προῖκα,  
 ταῦτ' ἤδη πειράσομαι διδάσκειν ὑμᾶς. ἐγὼ γάρ,  
 ὦ ἄνδρες δικασταί, τούτων ἕκαστον ἠρόμην πολλῶν  
 ἐναντίον μαρτύρων, Ὀνήτορα μὲν καὶ Τιμοκράτην,  
 εἴ τινες εἶεν μάρτυρες ὧν ἐναντίον τὴν προῖκ' ἀπ-  
 ἔδοσαν, αὐτὸν δ' Ἀφοβον, εἴ τινες παρήσαν ὅτ'  
 20 ἀπελάμβανεν. καί μοι πάντες ἀπεκρίναντο καθ'  
 ἕκαστον, ὅτι οὐδεὶς μάρτυς παρείη, κομίζοιτο δὲ  
 λαμβάνων καθ' ὅποσονοῦν δέοιτ' Ἀφοβος παρ'  
 αὐτῶν. καίτοι τῷ τοῦθ' ὑμῶν πιστόν, ὡς ταλάντου  
 τῆς προικὸς οὔσης ἄνευ μαρτύρων Ὀνήτωρ καὶ  
 Τιμοκράτης Ἀφόβῳ τοσοῦτον ἀργύριον ἐνεχεί-  
 ρισαν; ὦ μὴ ὅτι τοῦτον τὸν τρόπον, ἀλλ' οὐδὲ  
 μετὰ πολλῶν μαρτύρων ἀποδιδούς εἰκῆ τις ἂν  
 ἐπίστευσεν, ἵν' εἴ τις γίγνοιτο διαφορά, κομίσασθαι  
 21 ῥαδίως παρ' ὑμῖν δύνηται. μὴ γὰρ ὅτι πρὸς τοῦτον  
 τοιοῦτον ὄντα, ἀλλ' οὐδὲ πρὸς ἄλλον, οὐδ' ἂν εἰς  
 οὐδὲ ἓνα τοιοῦτον συνάλλαγμα ποιούμενος ἀμαρ-  
 τύρως ἂν ἔπραξεν· ἀλλὰ τῶν τοιούτων ἕνεκα καὶ  
 γάμους ποιούμεν καὶ τοὺς ἀναγκαιοτάτους παρα-  
 καλοῦμεν, ὅτι οὐ πάρεργον, ἀλλ' ἀδελφῶν καὶ

<sup>a</sup> More literally, "one would have been rash to have trusted him."

they wish to save his property for Aphobus, that they have had the audacity to act as they have done. For when in so short a time they allege that they owed the money ; that they paid it ; that the woman was divorced and could not recover the dowry ; and that they took a mortgage on the land ; how can it be other than clear that they are acting in collusion in their attempt to defraud me of the damages awarded me by you ? I shall now endeavour to prove to you 19 from the answers given by the defendant himself, and by Timocrates, and Aphobus, that it is impossible that the dowry should have been paid. For, men of the jury, I questioned each of these men in the presence of many witnesses. I asked Onetor and Timocrates whether any witnesses were present when they paid the dowry, and Aphobus himself whether any were present when he received it ; and they all answered 20 severally that no witness was present, but that Aphobus got it from them by instalments, in such sums as he needed from time to time. And yet can any one of you believe this, that, when the dowry was a talent, Onetor and Timocrates put so large a sum into the hands of Aphobus without witnesses ? Why, in paying him money, I will not say in this manner, but even in the presence of many witnesses, one would have taken every possible precaution <sup>a</sup> in order, if a dispute should arise, to be able readily to recover in your court what was due. No man, in con- 21 cluding a transaction of such importance, I will not say with such a man as Aphobus, but with anybody whatever, would have acted without a witness. This is the reason why we celebrate marriage-feasts and call together our closest friends and relations, because we are dealing with no light affair, but are entrusting

## DEMOSTHENES

θυγατέρων βίους ἐγχειρίζομεν, ὑπὲρ ὧν τὰς ἀσφα-  
 22 λείας μάλιστα σκοποῦμεν. εἰκὸς τοίνυν καὶ τοῦτον,  
 ὧνπερ ἐναντίον ὀφείλειν ὠμολόγησε καὶ τὸν τόκον  
 οἴσειν, τῶν αὐτῶν τούτων παρόντων διαλύσασθαι  
 [570] πρὸς Ἄφοβον, εἴπερ ὡς ἀληθῶς ἀπεδίδου τὴν  
 προῖκ' αὐτῷ. τοῦτον μὲν γὰρ τὸν τρόπον πράξας,  
 ὅλου τοῦ πράγματος ἀπηλλάττετο, μόνος μόνῳ  
 δ' ἀποδιδούς, τοὺς ἐπὶ ταῖς ὁμολογίαις παραγενο-  
 μένους ὡς κατ' ὀφείλοντος ἂν αὐτοῦ μάρτυρας  
 23 ὑπελείπετο. νῦν τοίνυν τοὺς μὲν ὄντας οἰκείους καὶ  
 βελτίους αὐτῶν οὐκ ἐδύνατο πείσαι τὴν προῖκ'  
 ἀποδεδωκέναι σφᾶς μαρτυρεῖν, ἑτέρους δ' εἰ παρ-  
 ἔχουτο μάρτυρας μηδὲν γένει προσήκοντας, οὐκ ἂν  
 ἠγοῦνθ' ὑμᾶς αὐτοῖς πιστεύειν. ἔτι δ' ἀθρόαν μὲν  
 φάσκοντες δεδωκέναι τὴν προῖκα, ἤδεσαν ὅτι τοὺς  
 ἀπενεγκόντας οἰκέτας ἐξαιτήσομεν, οὐς μὴ γεγενη-  
 μένης τῆς δόσεως παραδοῦναι μὴ θέλοντες ἠλέγ-  
 χοντ' ἂν· εἰ δ' αὐτοὶ μόνοι μόνῳ τοῦτον τὸν τρόπον  
 δεδωκέναι λέγοιεν, ἐνόμιζον οὐκ ἐλεγχθήσεσθαι.  
 24 διὰ τοῦτο τοῦτον εἶλοντ' ἐξ ἀνάγκης ψεύδεσθαι τὸν  
 τρόπον. τοιαύταις τέχναις καὶ πανουργίαις, ὡς  
 ἀπλοῖ τινὲς εἶναι δόξοντες, ἠγοῦνται ῥαδίως ὑμᾶς  
 ἐξαπατήσειν, ἀπλῶς οὐδ' ἂν μικρὸν ὑπὲρ τῶν  
 διαφερόντων, ἀλλ' ὡς οἶόν τ' ἀκριβέστατα πρά-  
 ξαντες.

Λαβὲ τὰς μαρτυρίας αὐτοῖς ὧν ἐναντίον ἀπ-  
 εκρίναντο, καὶ ἀνάγνωθι.

to the care of others the lives of our sisters and daughters, for whom we seek the greatest possible security. The presumption is, then, that the de- 22  
 fendant made the settlement in the presence of the same witnesses before whom he had admitted the indebtedness and promised to pay the interest, if he really did pay the dowry to Aphobus. For, if he had acted in this way, he would have cleared himself of the whole matter ; but by paying him when they were alone, he would have left those in whose presence he had made the agreement as witnesses that he was still a debtor. As it was, they could not induce their 23  
 friends, who were more honest men than themselves, to bear witness to the payment of the money, and they thought that, if they produced other witnesses, not related to them, you would not believe them. Again, if they said the payment had been made all at once, they knew that we should demand for examination by torture the slaves who had brought the money. These, if the payment had not been made, they would have refused to give up, and so they would have been convicted of fraud. But if they maintained that they had paid the money without witnesses in the manner alleged, they thought to escape detection. For this reason they were driven through stress 24  
 of necessity to make up this false story. By such tricks and pieces of villainy, while hoping themselves to pass for simple folk, they think they will easily deceive you ; whereas in the slightest matter affecting their interest they acted, not with simplicity, but with every possible precaution.

Take now the depositions of the persons in whose presence they gave their answers, and read them to the jury.

# DEMOSTHENES

## ΜΑΡΤΥΡΙΑΙ

- 25 Φέρε δή, ὦ ἄνδρες δικασταί, καὶ τὴν γυναῖκ' ὑμῖν ἐπιδείξω λόγῳ μὲν ἀπολελοιπυῖαν, ἔργῳ δὲ συνοικοῦσαν Ἀφόβῳ· νομίζω γάρ, ἂν τοῦτ' ἀκριβῶς μάθητε, μᾶλλον ὑμᾶς τούτοις μὲν ἀπιστήσειν, ἐμοὶ δ' ἀδικουμένῳ τὰ δίκαια βοηθήσειν. μάρτυρας
- 26 δὲ τῶν μὲν ὑμῖν παρέξομαι, τῶν δ' ἐπιδείξω μεγάλα  
[871] τεκμήρια καὶ πίστεις ἰκανάς. ἐγὼ γάρ, ὦ ἄνδρες δικασταί, μετὰ τὸ γεγράφθαι παρὰ τῷ ἄρχοντι ταύτην τὴν γυναῖκ' ἀπολελοιπυῖαν, καὶ τὸ φάσκειν Ὀνήτορ' ἀντὶ τῆς προικὸς ἀποτετιμηῆσθαι τὸ χωρίον, ὁρῶν Ἄφοβον ὁμοίως ἔχοντα καὶ γεωργοῦντα τὴν γῆν καὶ τῇ γυναικὶ συνοικοῦντα, σαφῶς ἦδεν ὅτι λόγος ταῦτα καὶ παραγωγὴ τοῦ πράγ-
- 27 ματός ἐστι. βουλόμενος δ' ἐμφανῆ ποιῆσαι ταῦτα πᾶσιν ὑμῖν, ἐλέγχειν αὐτὸν ἡξιῶν ἐναντίον μαρτύρων, εἰ μὴ φάσκοι ταῦθ' οὕτως ἔχειν, καὶ παρεδίδουν οἰκέτην εἰς βάσανον, ὃς συνήδει πάντ' ἀκριβῶς· ὃν ἔλαβον κατὰ τὴν ὑπερημερίαν ἐκ τῶν Ἀφόβου. οὗτος δ' ἐμοῦ ταῦτ' ἀξιῶσαντος, περὶ μὲν τοῦ συνοικεῖν Ἀφόβῳ τὴν ἀδελφὴν ἔφυγε τὴν βάσανον· ὡς δ' οὐκ ἐκεῖνος ἐγεώργει τὴν γῆν, οὐκ ἐδύνατ' ἀρνηθῆναι διὰ τὴν περιφάνειαν, ἀλλὰ
- 28 προσωμολόγησεν. οὐ μόνον δ' ἐκ τούτων ἦν ῥᾶδιον<sup>1</sup> γνῶναι, ὅτι καὶ συνώκει τῇ γυναικὶ καὶ τὸ χωρίον ἐκέκτητ' ἔτι πρὶν γενέσθαι τὴν δίκην, ἀλλὰ καὶ ἐξ ὧν ὀφλῶν διεπράξατο περὶ αὐτῶν. ὡς γὰρ οὐκ ἀποτετιμηκῶς, ἀλλ' ἐμῶν ἐσομένων κατὰ τὴν

<sup>1</sup> ῥᾶδιον] omitted by Blass.



## THE DEPOSITIONS

Now, men of the jury, I shall prove to you that the 25  
 woman made a merely nominal divorce, but was in  
 reality living with Aphobus as his wife. I think that,  
 if you are thoroughly convinced of this, you will be  
 more inclined to distrust these men, and to give me  
 the aid that is my due. Of some of the facts I shall  
 produce witnesses : others I shall establish by strong  
 presumptions and by adequate proofs. When I saw, 26  
 men of the jury, that after the woman's divorce had  
 been registered with the archon, and after the de-  
 fendant's declaration that he had taken a mortgage  
 on the farm to secure her marriage-portion, Aphobus  
 continued to hold and till the land just as before,  
 and to dwell with his wife, I knew well that all this  
 was fiction and a pretence to cover up the facts.  
 And wishing to make this clear to you all, I deemed 27  
 it right to convict him in the presence of witnesses,  
 in case he should deny that matters are as I have  
 stated ; and I offered to him for torture a slave who  
 knew well all the facts—one whom I had taken from  
 among those of Aphobus, since he had not paid the  
 damages within the time fixed by law. When I made  
 this demand, Onetor declined to put the slave to  
 torture as to the question of his sister's living with  
 Aphobus ; and, as to Aphobus's tilling the land, the  
 fact was too plain to be denied, so he confessed it.  
 Nor are these the only proofs which make it easy to 28  
 see that Aphobus continued to live with his wife and  
 to possess the land up to the time when the suit was  
 begun ; it is plain also from the way in which he  
 dealt with the land after judgement was given against  
 him. For, as though the property had not been  
 mortgaged, but was to belong to me according to

## DEMOSTHENES

δίκην, ἃ μὲν οἰόν τ' ἦν ἐξενεγκεῖν, ὥχετο λαβῶν,  
 τοὺς καρποὺς καὶ τὰ σκεύη τὰ γεωργικὰ πάντα  
 πλὴν τῶν πιθακνῶν· ὁ δ' οὐχ οἰόν τ' ἦν ἀνελεῖν, ἐξ  
 ἀνάγκης ὑπέλιπεν, ὥστ' ἐγγενέσθαι τούτῳ νῦν  
 29 αὐτῆς τῆς γῆς ἀμφισβητεῖν. καίτοι δεινὸν τὸν μὲν  
 λέγειν ὡς ἀπετιμήσατο τὸ χωρίον, τὸν δ' ἀποτετι-  
 μηκότα φαίνεσθαι γεωροῦντα, καὶ φάσκειν μὲν  
 ἀπολελοιπέναι τὴν ἀδελφὴν, ὑπὲρ αὐτῶν δὲ τούτων  
 φανερόν εἶναι φεύγοντα τοὺς ἐλέγχους, καὶ τὸν μὲν  
 [872] οὐ συνοικοῦνθ', ὡς οὗτός φησι, καὶ τοὺς καρποὺς  
 καὶ τὰ ἐκ τῆς γεωργίας ἅπαντ' ἐξενεγκεῖν, τὸν δ'  
 ὑπὲρ τῆς ἀπολελοιπιῦας πράττοντα, ὑπὲρ ἧς ἀπο-  
 τετιμηθεῖν φησι τὸ χωρίον, φαίνεσθαι μηδ' ὑπὲρ  
 ἑνὸς τούτων ἀγανακτοῦντα, ἀλλ' ἡσυχίαν ἔχοντα.  
 30 ταῦτ' οὐ πολλὴ περιφάνει' ἐστὶ; ταῦτ' οὐχ ὁμο-  
 λογουμένη προστασία; φήσειέ γ' ἂν τις, εἰ δια-  
 λογίζοιτ' ὀρθῶς ἕκαστ' αὐτῶν.

Ὡς τοίνυν ὠμολόγει μὲν ἐκείνον γεωργεῖν πρὶν  
 γενέσθαι τὴν δίκην ἐμοὶ πρὸς αὐτόν, ὑπὲρ δὲ τοῦ  
 μὴ συνοικεῖν τὴν ἀδελφὴν οὐκ ἠθέλησε ποιήσασθαι  
 τὴν βάσανον, ἢ γεωργία δ' ἐξεσκευάσθη μετὰ τὴν  
 δίκην πλὴν τῶν ἐγγείων, λαβὲ τὰς μαρτυρίας καὶ  
 ἀνάγνωθι.

### ΜΑΡΤΥΡΙΑΙ

31 Ἐμοὶ τοίνυν τοσοῦτων ὑπαρχόντων τεκμηρίων,  
 οὐχ ἥκιστ' αὐτὸς ἔδειξεν Ὀνήτωρ, ὅτι οὐκ ἀλη-  
 θινῆν ἐποιήσατο τὴν ἀπόλειψιν. ᾧ γὰρ προσῆκε

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<sup>a</sup> These were underground, as appears from the phrase πλὴν τῶν ἐγγείων in § 30.

the court's decision, he made off with everything that could be carried away—the produce, and all the farm implements, except the storage-tanks.<sup>a</sup> What he could not take away he necessarily left behind, so that Onetor was now at liberty to lay claim merely to the bare land. It is an outrage, though, that one of them 29 should say that the land was mortgaged to him, while the mortgagor is to be seen cultivating it; that he should claim that his sister has left her husband, when he is shown to have refused to accept the test by torture regarding this very point: and that the one who is not living with his wife (as Onetor claims) should carry off all the produce and implements from the farm, while the man acting as guardian for the divorced woman, to secure whose portion he claims to have taken a mortgage on the land, plainly shows no anger at a single one of these acts, but takes everything quietly. Is the whole thing not abso- 30 lutely clear? Is it not confessedly a scheme to protect Aphobus? One certainly would so declare, if he duly considered each one of the facts.

Now, to prove that the defendant acknowledged that Aphobus farmed the land up to the time of the commencement of my action against him; that he refused the inquiry by torture as to his sister's continuing to live with Aphobus; and that the farm was stripped after the court's decision of everything save what was attached to the soil; take these depositions, and read them.

#### THE DEPOSITIONS

Although I have so many proofs ready to hand it is 31 Onetor himself who most convincingly showed that the divorce was not a genuine one. He, who should

## DEMOSTHENES

χαλεπῶς φέρειν, εἰ τὴν προῖκα δούς, ὡς φησιν, ἀντ' ἀργυρίου χωρίον ἀμφισβητούμενον ἀπελάμβανεν, οὗτος οὐχ ὡς διάφορος οὐδ' ὡς ἀδικούμενος, ἀλλ' ὡς οἰκειότατος πάντων τὴν πρὸς ἐμὲ δίκην αὐτῷ συνηγωνίζετο. καμὲ μὲν συναποστερήσαι μετ' ἐκείνου τῶν πατρῶων ἐπεχείρησε, καθ' ὅσον αὐτὸς οἰός τ' ἦν, ὑφ' οὗ κακὸν οὐδ' ὀτιοῦν ἦν πεπονθώς. Ἄφοβον δ', ὃν ἀλλότριον εἶναι προσῆκε νομίζειν, εἴ τι τούτων ἀληθὲς ἦν ὧν νῦν λέγουσι, καὶ τὰ μὰ πρὸς 32 τοῖς ἐκείνου περιποιεῖν ἐζήτησεν. καὶ οὐ μόνον ἐνταῦθα τοῦτ' ἐποίησεν, ἀλλὰ καὶ κατεγνωσμένης ἤδη τῆς δίκης, ἀναβὰς ἐπὶ τὸ δικαστήριον ἐδεῖθ' ἱκετεύων ὑπὲρ αὐτοῦ καὶ ἀντιβολῶν καὶ δάκρυσι [873] κλάων ταλάντου τιμῆσαι, καὶ τούτων αὐτὸς ἐγίγνετ' ἐγγυητής. καὶ ταῦθ' ὁμολογούμενα μὲν ἔστι πολ- λαχόθεν· οἳ τε γὰρ ἐν τῷ δικαστηρίῳ τότε δικάζοντες καὶ τῶν ἔξωθεν παρόντων πολλοὶ συνίσασιν· ὁμως δὲ καὶ μάρτυρας ὑμῖν παρέξομαι.

Καί μοι λαβὲ ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

33 Ἔτι τοίνυν, ὦ ἄνδρες δικασταί, καὶ τεκμηρίῳ μεγάλῳ γινῶναι ράδιον, ὅτι τῇ ἀληθείᾳ συνώκει καὶ οὐδέπω καὶ τήμερον ἀπολέλοιπεν. αὕτη γὰρ ἡ γυνή, πρὶν μὲν ὡς Ἄφοβον ἐλθεῖν, μίαν ἡμέραν οὐκ ἐχήμευσεν, ἀλλὰ παρὰ ζῶντος Τιμοκράτους ἐκείνῳ

have felt outraged, when, after paying the dowry, as he claims, he got back, not the money, but a farm whose title was under dispute,—this very man, as though he had had no quarrel, and were in no way being wronged, but as though he were on the most intimate terms possible with Aphobus. pleaded for the latter in the suit which I brought against him! As for myself, though I had done him no conceivable injury, he leagued with Aphobus, and sought by every means in his power to join in robbing me of my patrimony, while for Aphobus, whom he should have regarded as a stranger, if there is any truth in their present story, he sought to acquire possession of my property in addition to what he already had. Nor <sup>32</sup> was it only at the trial that he acted thus, but after judgement had been rendered against Aphobus, he got up before the court and begged the jurymen, beseeching and imploring them on behalf of Aphobus with tears in his eyes, to fix the damages at a talent, and offered himself as surety for this amount. These facts are admitted on all hands. Those who were then serving on the jury in the court-room and many of the bystanders know them well. Nevertheless I will produce witnesses.

Take, and read this deposition.

#### THE DEPOSITION

Besides all this, men of the jury, there is strong <sup>33</sup> evidence from which it is easy to see that the woman in reality continued to live with Aphobus and even up to the present day has not separated from him. In fact, this woman, before she came to Aphobus, was not unwedded for one single day, but left her living husband, Timocrates, to come and live with

## DEMOSTHENES

συνώκησε, νῦν δ' ἐν τρισὶν ἔτεσιν ἄλλω συνοικοῦσ' οὐδενὶ φαίνεται. καίτοι τῷ πιστόν, ὡς τότε μὲν, ἵνα μὴ χηρεύσειε, παρ' ἀνδρὸς ὡς ἀνδρ' ἐβάδιζε, νῦν δ', εἶπερ ὡς ἀληθῶς ἀπολέλοιπε,<sup>1</sup> τοσοῦτον ἂν χρόνον χηρέουσ' ἠνείχεται ἔξὸν ἄλλω συνοικεῖν, τοῦ τ' ἀδελφοῦ κεκτημένου τοσαύτην οὐσίαν, αὐτὴ

34 τε ταύτην ἔχουσα τὴν ἡλικίαν; οὐκ ἔχει ταῦτ' ἀλήθειαν, ὧ ἄνδρες δικασταί, πιθανήν, ἀλλὰ λόγοι ταῦτ' εἰσὶ, συνοικεῖ δ' ἡ γυνὴ φανερώς καὶ οὐδ' ἐπικρύπτεται τὸ πρᾶγμα. παρέξομαι δ' ὑμῖν Πασιφῶντος μαρτυρίαν, ὃς ἀρρωστοῦσαν αὐτὴν θεραπεύων ἑώρα παρακαθήμενον "Αφοβὸν ἐπὶ τούτου τοῦ ἄρχοντος, ἥδη τούτῳ ταυτησὶ τῆς δίκης εἰληγμένης.

Καὶ μοι λαβὲ τὴν Πασιφῶντος μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

35 Ἐγὼ τοίνυν εἰδώς, ὧ ἄνδρες δικασταί, καὶ μετὰ τὴν δίκην τοῦτον εὐθύς ἀποδεδεγμένον τὰ ἐκ τῆς οἰκίας τῆς Ἀφόβου χρήματα, καὶ κύριον τῶν τ'

[874] ἐκείνου καὶ τῶν ἐμῶν ἀπάντων γεγενημένον, καὶ συνοικοῦσαν αὐτῷ τὴν γυναῖκα σαφῶς ἐπιστάμενος, τρεῖς θεραπαίνας ἐξήτησ' αὐτόν, αἷ συνοικοῦσάν τε τὴν γυναῖκ' ἥδεσαν καὶ τὰ χρήμαθ' ὅτι παρὰ τούτοις ἦν, ἵνα μὴ λόγοι μόνον, ἀλλὰ

36 καὶ βάσανοι περὶ αὐτῶν γίννοιτο. οὗτος δ' ἐμοῦ προκαλεσαμένου ταῦτα, καὶ πάντων τῶν παρόντων δίκαια λέγειν μ' ἀποφνημαμένων, οὐκ ἠθέλησεν εἰς τοῦτο τὰκριβὲς καταφυγεῖν, ἀλλ' ὥσπερ ἐτέρων τινῶν ὄντων περὶ τῶν τοιούτων σαφεστέρων ἐλέγ-

<sup>1</sup> ἀπολέλοιπε] ἀπελελοίπει Blass.

Aphobus ; and now during the space of three years she has manifestly married no one else. Can anyone believe that she then went directly from husband to husband, in order to avoid living as a widow, but that now, supposing she has really left her husband, she would have endured to remain a widow for so long when she might have married someone else, seeing that her brother possessed so large a fortune, and she herself was so young ? There is no truth in it, 34 men of the jury ; you cannot believe it. It is a pure fiction. No ; the woman is living openly with Aphobus, and makes no secret of the matter. I shall bring before you the evidence of Pasiphon, who cared for her when she was ill, and who saw Aphobus sitting by her side in this very year, when my suit against the defendant had already been instituted.

Take Pasiphon's deposition.

#### THE DEPOSITION

I knew, men of the jury, that the defendant, im- 35 mediately on the conclusion of the suit, had received the goods from the house of Aphobus, and had come into control of his property and all my estate as well, and I knew, further, that beyond all doubt the woman was living with Aphobus. I therefore demanded of Onetor three female slaves, who knew that the woman was living with Aphobus and that the effects were in the hands of these men, in order that we might not have mere statements but that the matters might be established by proof from the torture. But 36 Onetor, when I made this challenge to him, and all those present declared that my proposal was just, refused to have recourse to this certain test, but, as though there were other and surer proofs regarding

## DEMOSTHENES

χων ἢ βασάνων καὶ μαρτυριῶν, οὔτε μάρτυρας παρεχόμενος τὴν προῖχ' ὡς ἀποδέδωκεν, οὔτ' εἰς βάσανον ἐκδιδούς τὰς συνειδυίας περὶ τοῦ μὴ συνοικεῖν τὴν ἀδελφήν, ὅτι ταυτ' ἠξίου, ὑβριστικῶς πάνυ καὶ προπηλακιστικῶς οὐκ εἶα μ' αὐτῷ διαλέγεσθαι. τούτου γένοιτ' ἂν τις σχετλιώτερος ἄνθρωπος, ἢ μᾶλλον ἐκὼν τὰ δίκαι' ἀγνοεῖν προσποιούμενος; λαβέ δ' αὐτὴν τὴν πρόκλησιν καὶ ἀνάγνωθι.

### ΠΡΟΚΛΗΣΙΣ

- 37 Ὑμεῖς μὲν τοίνυν καὶ ἰδία καὶ δημοσία βάσανον ἀκριβεστάτην πασῶν πίστεων νομίζετε, καὶ ὁπόταν δούλοι καὶ ἐλεύθεροι παραγένωνται, δέη δ' εὐρεθῆναι τὸ ζητούμενον, οὐ χρῆσθε ταῖς τῶν ἐλευθέρων μαρτυρίαις, ἀλλὰ τοὺς δούλους βασανίζοντες, οὕτω ζητεῖτε τὴν ἀλήθειαν εὐρεῖν. εἰκότως, ὦ ἄνδρες δικασταί· τῶν μὲν γὰρ μαρτυρησάντων ἤδη τινὲς οὐ τάληθῆ μαρτυρῆσαι ἔδοξαν· τῶν δὲ βασανισθέντων οὐδένες πώποτ' ἐξηλέγχθησαν, ὡς οὐκ ἀληθῆ τὰ ἐκ
- 38 τῶν βασάνων εἶπον. οὗτος δὲ τηλικαῦτα δίκαια  
[875] φυγῶν, καὶ σαφεῖς οὕτω καὶ μεγάλους ἐλέγχους παραλιπῶν, "Αφοβον παρεχόμενος μάρτυρα καὶ Τιμοκράτην, τὸν μὲν ὡς ἀποδέδωκε τὴν προῖκα, τὸν δ' ὡς ἀπειλήφεν, ἀξιώσει πιστεῦεσθαι παρ' ὑμῖν, ἀμάρτυρον τὴν πρὸς τούτους πρᾶξιν γεγενῆσθαι προσποιούμενος· τοσαύτην ὑμῶν εὐήθειαν
- 39 κατέγνωκεν. ὅτι μὲν τοίνυν οὔτ' ἀληθῆ οὔτ' ἀληθείαις εἰκότα λέξουσιν, καὶ ἐκ τοῦ ἐξ ἀρχῆς αὐτοὺς ὁμολογεῖν τὴν προῖκα μὴ δοῦναι, καὶ ἐκ



such matters than torture and testimony. he produced no witnesses to prove that he had paid the dowry. nor would he give up for torture the female slaves who knew the fact, to prove that his sister was not living with Aphobus ; and, because I made this demand of him, he in an outrageous and insulting manner refused to let me talk to him. Could there be a man more impossible to deal with than he, or more ready to pretend ignorance of what is right ? Take the challenge itself and read it.

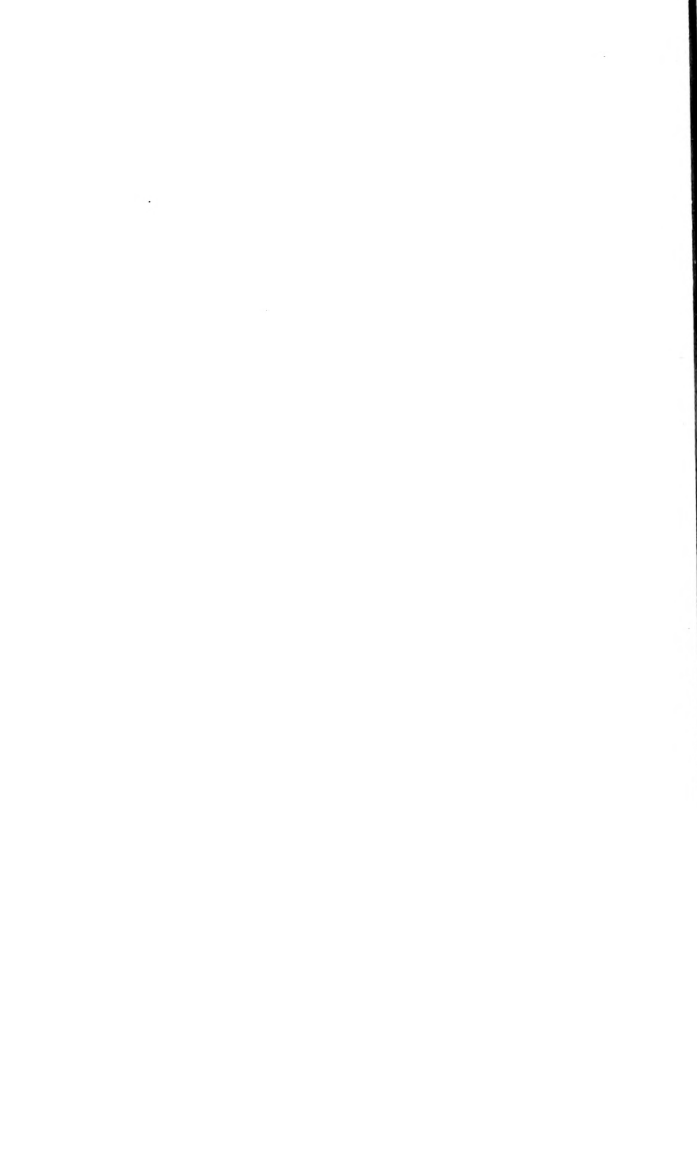
THE CHALLENGE

You on your part hold that in both private and 37 public matters the torture is the most certain of all methods of proof, and when slaves and freemen are both available, and the truth of a matter is to be sought out, you make no use of the testimony of the freemen, but seek to ascertain the truth by torturing the slaves ; and very properly, men of the jury. For of witnesses who have given testimony there have been some ere now who have been thought not to tell the truth ; but of slaves put to the torture no one has ever been convicted of giving false testimony. Yet Onetor, after refusing a test so fair, and 38 rejecting proofs so clear and so convincing, will produce Aphobus and Timocrates as witnesses, the one that he has paid the dowry, and the other that he has received it, and will demand that you believe him, when he pretends that his transactions with them were without witnesses. For such simpletons does he take you. But that their words are neither true 39 nor like the truth I think I have—by the fact that at the first they confessed that they had not paid the

## DEMOSTHENES

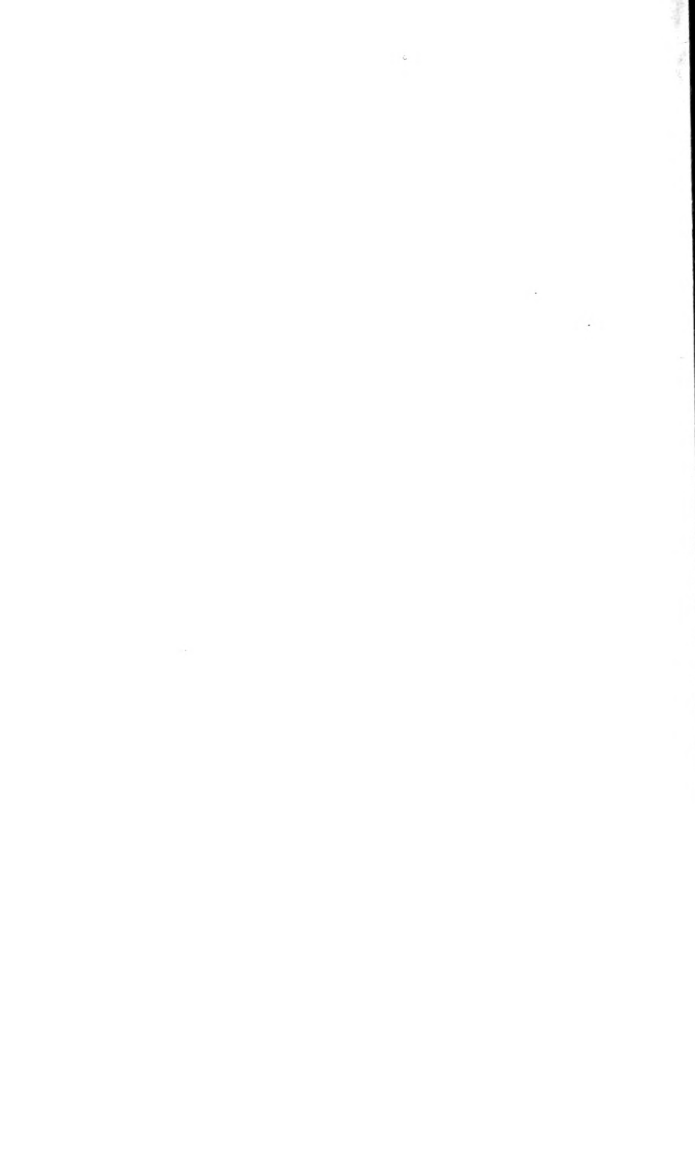
τοῦ πάλιν ἄνευ μαρτύρων ἀποδεδωκέναι φάσκειν,  
καὶ ἐκ τοῦ τὸν χρόνον μὴ ἐγχωρεῖν ἀμφισβη-  
τουμένης ἤδη τῆς οὐσίας ἀποδοῦναι τὰργύριον,  
καὶ ἐκ τῶν ἄλλων ἀπάντων ἰκανῶς ἀποδεδεῖχθαι  
νομίζω.

dowry, that again they pretended to have paid it without witnesses, that the dates do not admit of their having paid the money, seeing that the property was already in litigation, and finally by all the other evidences adduced I have, as I think, conclusively proved.



AGAINST ONETOR

II



## INTRODUCTION

THIS second speech is in reply to one delivered by Onetor in the case brought against him by Demosthenes. It reasserts the plaintiff's contention that the marriage-portion had not been paid, and that the alleged mortgage is merely a scheme to protect the property for Aphobus.

## XXXI

## ΠΡΟΣ ΟΝΗΤΟΡΑ ΕΞΟΥΛΗΣ

## B

[576] Ὁ παρέλιπον ἐν τῷ προτέρῳ λόγῳ τεκμήριον, οὐδενὸς τῶν εἰρημένων ἔλαττον, τοῦ μὴ δεδωκέναι τὴν προῖκα τούτους Ἀφόβῳ, τοῦτο πρῶτον εἰπών, μετὰ τοῦτο καὶ περὶ ὧν οὗτος ἔψευσται πρὸς ὑμᾶς ἐξελέγχειν αὐτὸν πειράσομαι. οὗτος γάρ, ὧ ἄνδρες δικασταί, τὸ πρῶτον ὅτε τῶν Ἀφόβου διανοεῖτ' ἀμφισβητεῖν, οὐχὶ τάλαντον ἔφη τὴν προῖχ', ὥσπερ νῦν, ἀλλ' ὀγδοήκοντα μνᾶς δεδωκέναι, καὶ τίθησιν ὄρους ἐπὶ μὲν τὴν οἰκίαν δισχιλίων, ἐπὶ δὲ τὸ χωρίον ταλάντου, βουλόμενος μὴ μόνον τοῦτο, <sup>2</sup> ἀλλὰ κακείνην διασώζειν αὐτῷ. γενομένης δέ μοι τῆς δίκης πρὸς αὐτόν, ἰδὼν ὡς διάκεισθ' ὑμεῖς πρὸς τοὺς λίαν ἀναιδῶς ἀδικούντας, ἔννοος γίγνεται, καὶ δεινὰ πάσχειν ἠγήσατο δόξειεν ἐμὲ τοσοῦτων χρημάτων ἀπεστερημένον, εἰ μὴδ' ὅτιοῦν ἔξοιμι τῶν Ἀφόβου λαβεῖν τοῦ τᾶμ' ἔχοντος, ἀλλ' ὑπὸ τούτου <sup>3</sup> κωλυόμενος φανερὸς γενήσομαι. καὶ τί ποιεῖ;

<sup>a</sup> To signify that the property was mortgaged.



## XXXI

### AGAINST ONETOR, AN EJECTMENT SUIT

#### II

THERE is one proof which I omitted in my former speech, quite as important as any of those which were brought forward, to prove that these men did not pay the marriage-portion to Aphobus. This I shall speak of first, and shall then undertake to refute the falsehoods which the defendant has uttered before you. For the fellow, men of the jury, when he first determined to lay claim to the property of Aphobus, declared that he had paid as the marriage-portion, not a talent, as he now alleges, but eighty minae: and he set up pillars <sup>a</sup> on the house for two thousand drachmae, and on the land for a talent, wishing to preserve both the one and the other for Aphobus. When, however, the trial against him had been de-<sup>2</sup> cided, and he saw what your attitude was toward those who were too brazen in their wrongdoings, he came to his senses, and concluded that I should appear to be suffering outrageous treatment, if, after being robbed of such large sums, I should be unable to recover anything whatever from Aphobus, who had my property in his possession, but it should become clear that I was prevented by the defendant from recovering anything. What, then, does he do?<sup>3</sup>

## DEMOSTHENES

τοὺς ὄρους ἀπὸ τῆς οἰκίας ἀφαιρεῖ, καὶ τάλαντον  
 μόνον εἶναι τὴν προῖκά φησιν, ἐν ᾧ τὸ χωρίον ἀπο-  
 τετιμῆσθαι. καίτοι δῆλον ὅτι τοὺς ἐπὶ τῆς οἰκίας  
 ὄρους εἰ δικαίως ἔθηκε καὶ ὄντως ἀληθεῖς, δικαίως  
 καὶ τοὺς ἐπὶ τοῦ χωρίου τέθηκεν· εἰ δ' εὐθὺς ἀδικεῖν  
 βουλόμενος ψευδεῖς ἔθηκεν ἐκείνους, εἰκὸς καὶ τού-  
<sup>4</sup>τους οὐκ ἀληθεῖς ὑπάρχειν. τοῦτο τοίνυν οὐκ ἐξ  
 [571] ὧν ἐγὼ δεδήλωκα λόγων δεῖ σκοπεῖν, ἀλλ' ἐξ ὧν  
 αὐτὸς οὗτος διεπράξατο· οὐδ' ὑφ' ἐνὸς γὰρ ἀναγκα-  
 σθεῖς ἀνθρώπων αὐτὸς ἀνεῖλε τοὺς ὄρους, ἔργω  
 φανερόν ποιήσας ὅτι ψεύδεται. καὶ ταῦθ' ὡς ἀληθῆ  
 λέγω, τὸ μὲν χωρίον καὶ νῦν οὗτός φησιν ἀποτετι-  
 μῆσθαι ταλάντου, τὴν δ' οἰκίαν ὡς προσωρίσατο  
 δισχιλίων, καὶ πάλιν τοὺς ὄρους ἀνεῖλε γενομένης  
 τῆς δίκης, τοὺς εἰδότας ὑμῖν μάρτυρας παρέξομαι.  
 Καί μοι λαβὲ τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 5 Δῆλον τοίνυν ὅτι δισχιλίων μὲν ὠρισμένος τὴν  
 οἰκίαν, ταλάντου δὲ τὸ χωρίον, ὡς ὀγδοήκοντα μνᾶς  
 δεδωκὼς ἔμελλεν ἀμφισβητήσκειν. μείζον οὖν ἂν τι  
 γένοιτο τεκμήριον ὑμῖν τοῦ μηδὲν ἀληθὲς νῦν λέγειν  
 τοῦτον, ἢ εἰ φανείη μὴ ταῦτ' ἀλέγων τοῖς ἐξ ἀρχῆς  
 περὶ τῶν αὐτῶν; ἐμοὶ μὲν γὰρ οὐδὲν ἂν δοκεῖ  
 τούτου μείζον εὐρεθῆναι.
- 6 Σκέψασθε τοίνυν τὴν ἀναίδειαν, ὅς γ' ἐν ὑμῖν ἐτόλ-  
 μησεν εἰπεῖν, ὡς οὐκ ἀποστερεῖ μ' ὅσω πλείονος  
 ἄξιόν ἐστι ταλάντου, καὶ ταῦτ' αὐτὸς τιμήσας οὐκ

He removes the pillars from the house, and declares that the marriage-portion was a talent only, which sum was guaranteed by a mortgage on the land. Yet, if the inscription on the house was set up by him in fairness and sincerity, it is plain that the one on the land was also. But if he set up a false inscription in the former case with the intent to commit fraud, it is probable that the latter one was false also. This matter you should consider, not in the 4 light of the proofs which I have advanced, but from the conduct of Onetor himself. No man on earth compelled him; he took down the pillars himself; and thus by his own act he makes clear that he is a liar. To prove that these statements of mine are true, that he even now declares that the land is mortgaged for a talent, but that he laid claim to two thousand drachmae more on the house, and took the pillars down after the suit was decided, I shall bring forward witnesses who know the facts.

Now take the deposition.

#### THE DEPOSITION

It is plain, then, that Onetor having put up pillars 5 on the house for two thousand drachmae, and on the land for a talent, intended to push his claim as though he had paid eighty minae. Could you have stronger proof that there is not a word of truth in what he now says, than the fact that his present story is different from the one he told at first about the same matters? To me it seems that no stronger proof than this could be found.

Now note the shamelessness of the man. He had 6 the audacity to say before you that he is not depriving me of what the land is worth beyond a talent, and that, too, when he has himself fixed its value

## DEMOSTHENES

ἄξιον εἶναι πλείονος. τί γὰρ βουλόμενος δισχιλίων  
 προσωρίσω τὴν οἰκίαν, ὅτε τὰς ὀγδοήκοντα μνᾶς  
 ἐνεκάλεις, εἴ γε τὸ χωρίον ἄξιον ἦν πλείονος, ἀλλ'  
 7 οὐκ ἐπὶ τούτῳ καὶ τὰς δισχιλίαις ἐτίθεις; ἢ ὅταν  
 μὲν σοι δοκῇ πάντα τὰ Ἐφόβου διασώζειν, τό τε  
 χωρίον ἔσται ταλάντου μόνον ἄξιον, καὶ τὴν οἰκίαν  
 ἐν δισχιλίαις προσέξεις, ἢ τε προῖξ ὀγδοήκοντα μναῖ  
 γενήσονται, καὶ ἀξιώσεις ἔχειν ἀμφοτέρα· ὅταν δέ  
 σοι μὴ συμφέρη, τὰναντία πάλιν ἢ μὲν οἰκία ταλάν-  
 [878] του, διότι νῦν ἐγὼ ταύτην ἔχω, τοῦ δὲ χωρίου τὸ  
 περιὸν οὐκ ἐλάττονος ἢ δυοῖν ἄξιον, ἔν' ἐγὼ δοκῶ  
 8 βλάπτειν τοῦτον, οὐκ ἀποστερεῖσθαι; ὄρας ὡς  
 ὑποκρίνη μὲν δεδωκέναι τὴν προῖκα, φαίνη δὲ κατ'  
 οὐδ' ὄντιν οὖν τρόπον δεδωκώς; τὰ γὰρ ἀληθῆ καὶ  
 μὴ κακουρούμενα τῶν πραγμάτων ἀπλῶς, οἳ ἂν  
 ἐξ ἀρχῆς πραχθῆ, τοιαῦτ' ἐστί· σὺ δὲ τούναντίον  
 ἐξελέγχει πράξας εἰς τὴν καθ' ἡμῶν ὑπηρεσίαν.  
 9 Ἄξιον τοίνυν καὶ τὸν ὄρκον, ὁποῖόν τιν' ἂν  
 ὤμοσεν, εἴ τις ἔδωκεν, ἐκ τούτων ἰδεῖν. ὅς γὰρ  
 ὀγδοήκοντα μνᾶς ἔφη τὴν προῖκ' εἶναι, εἰ τότε αὐτῷ  
 τις ἔδωκεν, ὁμόσαντι ταῦτ' ἀληθῆ λέγειν, κομίσα-  
 σθαι, τί ἐποίησεν ἄν; ἢ δῆλον ὅτι ὤμοσε· τί γὰρ  
 καὶ λέγων οὐ φήσει τότε ἂν ὁμόσαι, νῦν γε τοῦτ'

## AGAINST ONETOR. II. 6-9

as nothing more. With what end in view, Onetor, did you fix your pillars on the house for the two thousand extra drachmae, when you were demanding eighty minae, if the land was really worth more, instead of securing the two thousand drachmae also by a mortgage on the land? Or, when it suits 7 your purpose to save all of the property of Aphobus, is the land to be worth a talent only, and are you to hold the house on a mortgage of two thousand drachmae more; and the marriage-portion being eighty minae, will you claim the right to hold both the land and the house; or again, when this is not to your interest, is all to be different: the house is to be worth a talent, because now it is I that hold it, and what is left of the farm is to be worth not less than two talents, in order that it may seem that I am wronging Aphobus, not myself being robbed? Do you see that, while you pretend to have 8 paid the dowry, you are shown not to have paid it in any way whatsoever? For that line of conduct is sincere and free from guile, which remains throughout such as it was at the first, but you are proven to have followed the contrary course, so as to fulfil your service as an underling to my detriment.

It is worth while to consider in the light of these 9 facts what sort of an oath he would have sworn, if an oath had been tendered him. For, when he declared that the dowry was eighty minae, if one had granted that he should recover that sum on condition of his swearing that this statement of his was true, what would he have done? Is it not plain that he would have taken the oath? What can he say to deny that he would have sworn it under those circumstances, when he demands the right to do so now? Well

## DEMOSTHENES

ἀξιῶν; οὐκοῦν ὅτι γ' ἐπιώρκησεν ἄν, ἑαυτὸν ἐξελέγχει· νῦν γὰρ οὐκ ὀγδοήκοντα μνᾶς, ἀλλὰ τάλαντον δεδωκέναι φησίν. τί μᾶλλον ἄν οὖν εἰκότως τις αὐτὸν ἐκείνα ἐπιορκεῖν ἢ τὰδ' ἠγοῖτο; ἢ τίνα τις δικαίως ἄν ἔχοι περὶ τούτου διάνοιαν, τοῦ ῥαδίως οὕτως αὐτὸν ἐξελέγχοντος ὄντ' ἐπιορκον;

10 Ἄλλὰ νῆ Δί' ἴσως οὐχὶ πάντ' αὐτῷ τοιαῦτα πέπρακται, οὐδὲ πανταχόθεν δῆλός ἐστι τεχνάζων. ἀλλὰ καὶ τιμώμενος φανερός γέγονεν ὑπὲρ Ἀφόβου ταλάντου, καὶ τοῦτ' αὐτὸς ἡμῖν ἀποδώσειν ἐγγυώμενος. καίτοι σκέψασθ' ὅτι τοῦτ' ἐστι τεκμήριον οὐ μόνον τοῦ τὴν γυναῖκα συνοικεῖν Ἀφόβῳ καὶ τοῦτον οἰκεῖως ἔχειν, ἀλλὰ καὶ τοῦ μὴ δεδωκέναι

11 τὴν προῖκα. τίς γὰρ ἀνθρώπων ἠλίθιός ἐστιν οὕτως, ὥστ' ἀργύριον μὲν δοῦς τοσοῦτον, ἔπειθ' ἐν λαβῶν χωρίον ἀμφισβητούμενον εἰς ἀποτίμησιν, [879] σὺν οἷς πρότερον ἐζημίωτο, τὸν ἀδικήσανθ' ὡς δίκαιόν τι ποιήσοντα καὶ τοῦ τῆς δίκης ὀφλήματος προσεγγυήσασθαι; ἐγὼ μὲν οὐδέν' οἶμαι. καὶ γὰρ οὐδὲ λόγον τὸ πρᾶγμ' ἔχον ἐστί, τὸν αὐτὸν αὐτῷ μὴ δυνάμενον κομίσασθαι τάλαντον, τοῦτον ἄλλω τινὶ φάσκειν ἀποτείσειν καὶ ταῦτ' ἐγγυᾶσθαι. ἀλλὰ καὶ ἀπ' αὐτῶν τούτων ἐστὶ δῆλον, ὅτι τὴν μὲν προῖκ' οὐ δέδωκεν, ἀντὶ δὲ πολλῶν χρημάτων τῶν ἐμῶν οἰκεῖος ὢν Ἀφόβῳ ταῦτ' ἀπετιμᾶτο, κληρονόμον τὴν ἀδελφὴν τῶν ἐμῶν μετ' ἐκείνου κατα-

12 στήσαι βουλόμενος. εἶτα νῦν παρακρούσασθαι ζητεῖ καὶ φενακίζει, λέγων ὡς πρότερον τοὺς ὄρους ἔστησεν, ἢ ἐκείνον τὴν δίκην ὀφλεῖν. οὐ πρότερόν

## AGAINST ONETOR, II. 9-12

then, his own words prove that he would have perjured himself : for he now claims that he paid, not eighty minac, but a talent. What reason is there why one should believe that he is forswearing himself in one statement rather than in the other ? Or what opinion should one rightly hold of a man who thus lightly convicts himself of perjury ?

But perhaps not all of his acts have been of this nature, nor is he proven in every instance to be a trickster. Yet it has been shown that he sought in Aphobus's interest to have the damages fixed at a talent, and himself offered to act as bail for the payment to me of that sum. Yet observe that this is a proof not only that his wife was living with Aphobus and that Onetor was on intimate terms with him, but also that he had not paid the dowry. For what man 11 would be so foolish as, first, to pay out so large a sum, then to take as security a single piece of property, the title to which was under dispute, and finally, not satisfied with his previous losses and assuming that the one who had wronged him was now going to act justly, to become his bail for the damages assessed by the court ? Nobody would, to my thinking. The assumption is not even rational, that a man unable to recover a talent for himself, should promise to pay that sum to another, and further to give bail for it. No ; from these facts alone it is clear that he has never paid the dowry, but as a close friend of Aphobus he took this mortgage in return for my large property, wishing to make his sister jointly with Aphobus an inheritor of my estate. Then he seeks now to deceive 12 and beguile you by claiming that he set up the pillars before judgement was given against Aphobus. Aye, Onetor ; but not before it was given by you, if what

## DEMOSTHENES

γ' ἢ παρὰ σοί, νῦν εἰ ἀληθῆ λέγεις. δῆλον γάρ ὅτι καταγνοῦς ἀδικίαν αὐτοῦ ταυτ' ἐποίεις. εἶτα καὶ γελοῖον τοῦτο λέγειν, ὥσπερ οὐκ εἰδότες ὑμῶν, ὅτι πάντες οἱ τὰ τοιαυτ' ἀδικοῦντες σκοποῦσι τί λέξουσιν, καὶ οὐδεὶς πώποτ' ὦφλε σιωπῶν οὐδ' ἀδικεῖν ὁμολογῶν· ἀλλ' ἐπειδὴν οἶμαι μηδὲν ἀληθὲς λέγων ἐξελεγχθῆ, τότε γινώσκεται ὁποῖός ἐστιν.

- 13 ὅπερ καὶ οὗτος ἔμοιγε δοκεῖ πάσχειν. ἐπεὶ, φέρε, πῶς ἐστι δίκαιον, ἐὰν μὲν ὀγδοήκοντα μνῶν θῆς ὄρους, ὀγδοήκοντα μνᾶς εἶναι τὴν προῖκα, ἐὰν δὲ πλείονος πλέον, ἐὰν δ' ἐλάττονος ἔλαττον; ἢ πῶς ἐστι δίκαιον, τῆς ἀδελφῆς τῆς σῆς μηδέπω καὶ τήμερον ἄλλῃ συνοικούσης μηδ' ἀπηλλαγμένης Ἀφόβου, μηδὲ τὴν προῖκα δεδωκότος σοῦ, μηδ' ὑπὲρ τούτων εἰς βάσανον μηδ' εἰς ἄλλο δίκαιον μηδὲν καταφεύγειν ἐθέλοντος, ὅτι σὺ στῆσαι φῆς ὄρους, σὸν εἶναι τὸ χωρίον; ἐγὼ μὲν οὐδαμῶς
- [880] οἶμαι· τὴν γὰρ ἀλήθειαν σκεπτέον, οὐχ ἅ τις αὐτῷ παρεσκεύασεν ἐξεπίτηδες εἰς τὸ λέγειν τι δοκεῖν,
- 14 ὥσπερ ὑμεῖς. ἔπειτα τὸ δεινότατον· εἰ καὶ δεδωκότες ἦθ' ὡς μάλιστα τὴν προῖκα, ἦν οὐ δεδώκατε, τίς ὁ τούτων αἴτιος; οὐχ ὑμεῖς, ἐπεὶ ταυτ' ἐπὶ τὰμ' ἔδοτε; οὐχ ὅλοις ἔτεσιν πρότερον δέκα τὰμὰ λαβὼν εἶχεν ἐκείνος ὧν ὦφλεν τὴν δίκην, ἢ κηδεστήν σοι γενέσθαι; ἢ σὲ μὲν δεῖ κομίσασθαι πάντα, τὸν δὲ καὶ καταδικασάμενον καὶ δι' ὄρφανίαν ἠδικοῦμένον καὶ προικὸς ἀληθινῆς ἀπεστερημένον,



## AGAINST ONETOR, II. 12-14

you now say is true. For it is clear that you acted as you did because you were convinced of his guilt. Again, this language of yours is absurd, as though you, men of the jury, did not know that all those who commit frauds of this sort determine what they are going to say, and that no one ever lost a suit through keeping quiet, or admitting that he was in the wrong : but it is, I think, when he has been convicted of making a false statement, that men know what manner of man he is. And this is what appears to me to be 13 exactly the plight of Onetor. For tell me, how can it be just, if you set up pillars for eighty minae, that the dowry should be eighty minae ; and, if for more, more ; and, if for less, less ? Or how is it just, when your sister up to this present day has never lived with any other man, or been separated from Aphobus, when you have neither paid the dowry, nor been willing to have recourse to the torture, or to any other fair means of determining the matters at issue, that because you claim to have set up pillars, the farm shall belong to you ? I certainly do not see how it can be. 14 It is the truth to which we must look, not to arguments which a man has contrived (as you are doing) in order to seem to speak with some plausibility. Then—the most outrageous thing of all—suppose you had in reality paid the marriage-portion (which you have not paid), whose fault was it ? Was it not yours ? For you paid it on the security of my property. Was it not ten full years before he became your brother-in-law that Aphobus took possession of my estate for which judgement has been rendered against him ? And was it right for you to recover the whole amount, while I, who had been awarded damages against him, I, an orphan who had been wronged and robbed of a

## DEMOSTHENES

ὄν μόνον ἀνθρώπων οὐδὲ τῆς ἐπωβελίας ἄξιον ἦν  
κινδυνεύειν, ἠναγκάσθαι τοιαῦτα παθεῖν, κεκομι-  
σμένον μηδ' ὀτιοῦν, καὶ ταῦτ' ἐθέλοντα ποιεῖν ἐφ'  
ὑμῖν αὐτοῖς, εἴ τι τῶν δεόντων ἐβούλεσθε πράττειν;

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<sup>a</sup> See note *a* on p. 50.

<sup>b</sup> The pronoun is in the plural and refers to Onetor and Aphobus.

## AGAINST ONETOR, II. 14

marriage-portion that was genuine. I who with better right than any other man should have been exempted from the risk of having to pay costs,<sup>a</sup> should be forced to suffer thus, and should have recovered nothing whatever, though ready to meet any of your<sup>b</sup> proposals, had you been willing to do anything that justice required ?



AGAINST ZENOTHEMIS



## INTRODUCTION

THIS speech was written by Demosthenes for his uncle Demo (the father of Demophon, who was one of the writer's faithless guardians; see Oration XXVII. § 4), who had been sued by a certain Zenothemis regarding a cargo of grain. Demo had entered a special plea (*παρὰ γράφῃ*) that the action was not admissible, and this speech is in reply to one by the plaintiff, of the contents of which we have no knowledge, save in so far as they can be inferred from this reply. This speech, however, gives us much information in regard to the circumstances leading up to the suit. These were in brief as follows :

Demo had lent a sum of money to a certain Protus, a grain-merchant, who was to purchase a cargo of grain in Sicily and bring it to Athens. Such ventures were frequent on the Athenian exchange, and, while the risks were great (for in the event of the loss of the ship the lender had no redress), the rate of interest on the loan was high. Similar transactions form the subjects of Orations XXXIV. and XXXV. Protus, having obtained the money, set out for Sicily in a ship belonging to a man named Hegestratus, Zenothemis also being one of the passengers on board. On reaching Syracuse, Protus purchased a quantity of grain and had it put on board the vessel. Meanwhile Hegestratus and Zenothemis borrowed funds,

## DEMOSTHENES

each vouching for the other's financial standing, and telling of a rich cargo already on board. In this way they secured a considerable amount of money, which they promptly shipped to Massalia (Marseille), of which city both were natives.

As the repayment of the loans secured was conditional upon the safe return of the vessel to Syracuse, the two rascals laid a nefarious scheme to sink the ship, planning themselves to escape in the ship's boat, and thus be free from any obligation to their creditors.

When the vessel, therefore, was three days out of Syracuse, Hegestratus went down into the hold in the night, and began cutting a hole in the ship's bottom. Caught in the act by the passengers, who had heard the noise, he barely escaped suffering violence at their hands by leaping overboard. In the dark he missed the boat and was drowned. Zenothemis then sought to induce the crew to abandon the ship, declaring that she must presently sink, but Protus persuaded them by the offer of large rewards to seek to repair the damage and continue their voyage. This was done, and they succeeded in reaching Cephallenia,<sup>a</sup> where repairs were made. Zenothemis then wanted them to make for Massalia, but, when the matter was submitted to the authorities, it was determined that the vessel should continue her voyage to Athens.

When the ship reached the harbour of Peiraeus, Protus announced to Demo and his associates that the grain was safely in port, and they came at once to take possession of it, in order to satisfy their claim

<sup>a</sup> A large island opposite the west entrance to the Corinthian Gulf.



## AGAINST ZENOTHEMIS

as lenders of the purchase money. They found, however, that Zenothemis, alleging that the grain had been bought by Hegestratus with money advanced by himself, had laid claim to the cargo, and was about to unload it. He was forcibly prevented from doing this by Protus and Demo, and then proceeded to seek redress by bringing separate suits against them. In this speech Demo claims that the action of Zenothemis is not maintainable, as there had been no contract whatever between them, but he deals at greatest length with the enormity of the plaintiff's conduct.

The difficulty of arriving at a just conclusion regarding the merits of the case is necessarily great, as we have the presentation of one side only; and it is further enhanced by the fact that Protus (who would naturally, as purchaser of the grain, have been Demo's chief witness) appears to have come to some sort of an agreement with Zenothemis. He not only allowed judgement to be given against him by default in Zenothemis's suit against him, but left Athens in order not to have to testify in the present suit.

The speech is mutilated at the end, and our text breaks off in the middle of a sentence. This speech is discussed in Schaefer, iii.<sup>2</sup> pp. 292 ff., and in Blass, iii. pp. 492 ff.

## XXXII

## ΠΡΟΣ ΖΗΝΟΘΕΜΙΝ ΠΑΡΑΓΡΑΦΗ

Ἄνδρες δικασταί, βούλομαι παραγεγραμμένος μὴ  
 εἰσαγώγιμον εἶναι τὴν δίκην, περὶ τῶν νόμων  
 πρῶτον εἰπεῖν, καθ' οὓς παρεγραψάμην. οἱ νόμοι  
 κελεύουσιν, ὧ ἄνδρες δικασταί, τὰς δίκας εἶναι  
 τοῖς ναυκλήροις καὶ τοῖς ἐμπόροις τῶν Ἀθήναζε  
 καὶ τῶν Ἀθήνηθεν συμβολαίων, καὶ περὶ ὧν ἂν  
 ὦσι συγγραφαί· ἐὰν δέ τις παρὰ ταῦτα δικάζηται,  
 2 μὴ εἰσαγώγιμον εἶναι τὴν δίκην. τουτωὶ τοίνυν  
 Ζηνοθέμιδι πρὸς μὲν ἔμ' ὅτι οὐδὲν ἦν συμβόλαιον  
 οὐδὲ συγγραφή, καὐτὸς ὁμολογεῖ ἐν τῷ ἐγκλήματι·  
 δανείσαι δέ φησιν Ἡγестράτῳ ναυκλήρῳ, τούτου  
 δ' ἀπολομένου ἐν τῷ πελάγει, ἡμᾶς τὸ ναῦλον  
 σφετερίσασθαι· τοῦτι τὸ ἐγκλημ' ἐστίν. ἐκ δὴ τοῦ  
 αὐτοῦ λόγου τὴν τε δίκην οὐκ εἰσαγώγιμον οὔσαν  
 μαθήσεσθε, καὶ τὴν ὄλην ἐπιβουλὴν καὶ πονηρίαν  
 3 τουτουὶ τοῦ ἀνθρώπου ὄψεσθε. δέομαι δ' ὑμῶν  
 πάντων, ὧ ἄνδρες δικασταί, εἴπερ ἄλλῳ τινὶ πώποτε  
 πράγματι τὸν νοῦν προσέσχετε, καὶ τούτῳ προσ-  
 σχεῖν· ἀκούσεσθε γὰρ ἀνθρώπου τόλμαν καὶ πονη-  
 [883] ρίαν οὐ τὴν τυχοῦσαν, ἄνπερ ἐγὼ τὰ πεπραγμέν'  
 αὐτῷ πρὸς ὑμᾶς πολλάκις εἰπεῖν δυνηθῶ. οἶμαι δέ.  
 4 Ζηνόθεμις γὰρ οὔτοςί, ὧν ὑπηρέτης Ἡγε-  
 στρατοῦ τοῦ ναυκλήρου, ὃν καὐτὸς ἔγραψεν ἐν

## XXXII

### PLEA OF DEMO AGAINST ZENOTHEMIS, A SPECIAL PLEA

MEN of the jury, having entered a plea that the action is not admissible, I wish first to speak concerning the laws in accordance with which the plea was entered. The laws, men of the jury, ordain that actions for shipowners and merchants shall be upon loans for shipments to or from Athens, concerning which there shall be written agreements; and if anyone brings suit in violation of this provision, the action shall not be maintainable. Now between this man 2 Zenothemis and myself there has been no contract or agreement in writing, as he himself acknowledges in his complaint. He states that he made a loan to Hegestratus, a shipowner, and that after the latter was lost at sea, we appropriated the cargo. This is his charge in the complaint. The same speech will suffice to prove to you that his action is not maintainable, and to make you see the whole of his plot and his rascality. I beg of you all, men of the jury, if you ever attended 3 closely to any matter, to attend to this. You will hear of a man's audacity and villainy that go beyond all bounds, provided I am able, as I hope to be, to tell you the whole tale of what he has done.

Zenothemis, who is here before you, being an 4 underling of Hegestratus, the shipowner, who he

## DEMOSTHENES

τῷ ἐγκλήματι, ὡς ἐν τῷ πελάγει ἀπόλετο (πῶς δ', οὐ προσέγραψεν, ἀλλ' ἐγὼ φράσω), ἀδίκημα τοιουτοῦ μετ' ἐκείνου συνεσκευάσατο. χρήματ' ἐν ταῖς Συρακούσαις ἐδανείζεθ' οὗτος κακείνος. ὠμολόγει δ' ἐκείνος μὲν πρὸς τοὺς τούτῳ δανείζοντας, εἴ τις ἔροιτο, ἐνεῖναι σίτον ἐν τῇ νηὶ τούτῳ πολύν, οὗτος δὲ πρὸς τοὺς ἐκείνῳ, τὸν γόμον οἰκεῖον ἔχειν αὐτὸν τῆς νεώς· ὣν δ' ὁ μὲν ναύκληρος, ὁ δ' ἐπιβάτης,

5 ἐπιστεύοντ' εἰκότως ἅ περὶ ἀλλήλων ἔλεγον. λαμβάνοντες δὲ τὰ χρήματα, οἴκαδ' ἀπέστελλον εἰς τὴν Μασσαλίαν, καὶ οὐδὲν εἰς τὴν ναῦν εἰσέφερον. οὐσῶν δὲ τῶν συγγραφῶν, ὥσπερ εἰώθασιν ἅπασαι, σωθείσης τῆς νεώς ἀποδοῦναι τὰ χρήματα, ἵν' ἀποστερήσαιεν τοὺς δανείσαντας, τὴν ναῦν καταδῦσαι ἐβουλεύσαντο. ὁ μὲν οὖν Ἡγέστρατος, ὡς ἀπὸ τῆς γῆς ἀπήραν δυοῖν ἢ τριῶν ἡμερῶν πλοῦν, καταβὰς τῆς νυκτὸς εἰς κοίλην ναῦν, διέκοπτε τοῦ πλοίου τοῦδαφος. οὕτοσι δ', ὡς οὐδὲν εἰδώς, ἄνω μετὰ τῶν ἄλλων ἐπιβατῶν διέτριβεν. ψόφου δὲ γενομένου, αἰσθάνονται οἱ ἐν τῷ πλοίῳ, ὅτι κακόν τι ἐν

6 κοίλῃ νηὶ γίγνεται, καὶ βοηθοῦσι κάτω. ὡς δ' ἠλίσκεθ' ὁ Ἡγέστρατος καὶ δίκην δώσειν ὑπελάμβανε, φεύγει καὶ ἐκδιωκόμενος ρίπτει αὐτὸν εἰς τὴν θάλατταν, διαμαρτῶν δὲ τοῦ λέμβου διὰ τὸ νύκτ'

[884] εἶναι, ἀπεπνίγη. ἐκείνος μὲν οὖν οὕτως, ὥσπερ ἄξιός ἦν, κακὸς κακῶς ἀπόλετο, ἅ τοὺς ἄλλους

7 ἐπεβούλευσε ποιῆσαι, ταῦτα παθὼν αὐτός. οὕτοσι δ' ὁ κοινωνὸς αὐτοῦ καὶ συνεργός, τὸ μὲν πρῶτον εὐθύς ἐν τῷ πλοίῳ παρὰ τὰδικήματα, ὡς οὐδὲν

himself in his complaint states to have been lost at sea (how, he does not add, but I will tell you), concocted with him the following fraud. Both of them borrowed money in Syracuse. Hegestratus admitted to those lending money to Zenothemis, if inquiries were made, that there was on board the ship a large amount of grain belonging to the latter; and the plaintiff admitted to those lending money to Hegestratus that the cargo of the ship was his. As one was the shipowner and the other a passenger, they were naturally believed in what they said of one another. But immediately on getting the money, 5 they sent it home to Massalia, and put nothing on board the ship. The agreement being, as is usual in all such cases, that the money was to be paid back if the ship reached port safely, they laid a plot to sink the ship, that so they might defraud their creditors. Hegestratus, accordingly, when they were two or three days' voyage from land, went down by night into the hold of the vessel, and began to cut a hole in the ship's bottom, while Zenothemis, as though knowing nothing about it, remained on deck with the rest of the passengers. When the noise was heard, those on the vessel saw that something wrong was going on in the hold, and rushed down to bear aid. Hegestratus, being caught in the act, and ex- 6 pecting to pay the penalty, took to flight, and, hotly pursued by the others, flung himself into the sea. It was dark, and he missed the ship's boat, and so was drowned. Thus, miserable as he was, he met a miserable end as he deserved, suffering the fate which he purposed to bring about for others. As for this 7 fellow, his associate and accomplice, at the first on board the ship immediately after the attempted

## DEMOSTHENES

εἰδώς, ἀλλ' ἐκπεπληγμένος καὶ αὐτός, ἔπειθε τὸν  
 πρῶτά καὶ τοὺς ναύτας εἰς τὸν λέμβον ἐκβαίνειν  
 καὶ ἐκλείπειν τὴν ναῦν τὴν ταχίστην, ὡς ἀνελπίστου  
 τῆς σωτηρίας οὔσης καὶ καταδυσσομένης τῆς νεῶς  
 αὐτίκα μάλα, ἔν', ὅπερ διανοήθησαν, τοῦτ' ἐπιτελε-  
 σθείη καὶ ἡ ναῦς ἀπόλοιτο καὶ τὰ συμβόλαι' ἀπο-  
 8 στερήσαιεν. ἀποτυχὼν δὲ τούτου, καὶ τοῦ παρ'  
 ἡμῶν ἐμπλέοντος ἐναντιωθέντος, καὶ τοῖς ναύταις  
 μισθοῦς, εἰ διασώσαιεν τὴν ναῦν, μεγάλους ἐπα-  
 γγειλαμένου, σωθείσης εἰς Κεφαλληνίαν τῆς νεῶς  
 διὰ τοὺς θεοὺς μάλιστά γε, εἶτα καὶ διὰ τὴν τῶν  
 ναυτῶν ἀρετὴν, πάλιν μετὰ τῶν Μασσαλιωτῶν τῶν  
 τοῦ Ἡγεστράτου πολιτῶν μὴ καταπλεῖν Ἀθήναζε τὸ  
 πλοῖον ἔπραττε, λέγων ὡς αὐτός τε καὶ τὰ χρήματ'  
 ἐκεῖθ' ἐστὶ, καὶ ὁ ναύκληρος εἶη καὶ οἱ δεδανει-  
 9 κότες Μασσαλιῶται. ἀποτυχὼν δὲ καὶ τούτου, καὶ  
 τῶν ἀρχόντων τῶν ἐν τῇ Κεφαλληνίᾳ γνόντων  
 Ἀθήναζε τὴν ναῦν καταπλεῖν, ὅθενπερ ἀνήχθη, ὃν  
 οὐδ' ἂν εἰς ἐλθεῖν ᾤετο δεῦρο τολμῆσαι τοιαῦτά γ'  
 ἐσκευωρημένον καὶ πεποιηκότα, οὗτος, ὦ ἄνδρες  
 Ἀθηναῖοι, τοσοῦτον ὑπερβέβληκεν ἀναιδείᾳ καὶ  
 τόλμῃ, ὥστ' οὐκ ἐλήλυθεν μόνον, ἀλλὰ καὶ τοῦ  
 σίτου τοῦ ἡμετέρου ἀμφισβητήσας ἡμῖν δίκην  
 προσείληχεν.

10 Τί οὖν ποτ' ἐστὶ τὸ αἴτιον, καὶ τῷ ποτ' ἐπλημένος  
 οὗτος καὶ ἐλήλυθε καὶ τὴν δίκην εἶληχεν; ἐγὼ ὑμῖν  
 ἐρῶ, ἄνδρες δικασταί, ἀχθόμενος μὲν νῆ τὸν Δία  
 [885] καὶ θεοῦς, ἀναγκαζόμενος δέ. ἔστιν ἐργαστήριον

crime, just as though he knew nothing of it but was himself in utter consternation, he sought to induce the sailing-master and the seamen to embark in the boat and abandon the vessel with all speed, declaring that there was no hope of safety and that the ship would presently sink ; thinking that thus their design might be accomplished, the ship be lost, and the creditors thus be robbed of their money. In this he 8 failed, for our agent,<sup>a</sup> who was on board, opposed the plan, and promised the sailors large rewards if they should bring the ship safe into port. The ship was safely brought to Cephallenia, thanks chiefly to the gods, and after them to the bravery of the seamen. Again after this he schemed together with the Massaliotes, the fellow-countrymen of Hegestratus, to prevent the vessel from completing her voyage to Athens, saying that he himself was from Massalia ; that the money came from thence ; and that the shipowner and the lenders were Massaliotes. In this, too, he 9 failed ; for the magistrates in Cephallenia decided that the vessel should return to Athens, from which port she had set sail. Then the man, whom no one would have thought audacious enough to come here, after having plotted and wrought such deeds—this man, Athenians, has so surpassed all in shamelessness and audacity, that he has not only come, but has actually laid claim to my grain, and has brought suit against me !

What, then, is the reason for this ? and what can 10 have induced the fellow to come here and commence this suit ? I will tell you, men of the jury, though Heaven knows it gives me pain to do so ; but I must.

<sup>a</sup> Presumably Protus, who seems to have sailed as super-cargo.

## DEMOSTHENES

- μοχθηρῶν ἀνθρώπων συνεστηκότων ἐν τῷ Πειραιεῖ·
- 11 οὓς οὐδ' ὑμεῖς ἀγνοήσαιτ' ἂν ἰδόντες. ἐκ τούτων  
 ἔν', ἠνίχ' οὗτος ἔπραττεν ὅπως ἡ ναῦς μὴ κατα-  
 πλεύσεται δεῦρο, πρεσβευτὴν ἐκ βουλῆς τινα λαμ-  
 βάνομεν γνώριμον οὕτωςί, ὃ τι δ' ἦν οὐκ εἰδότες,  
 ἀτύχημ' οὐδὲν ἔλαττον, εἰ οἶόν τ' εἰπεῖν, ἀτυχή-  
 σαντες, ἢ τὸ ἐξ ἀρχῆς πονηροῖς ἀνθρώποις συμ-  
 μεῖξαι. οὗτος ὁ πεμφθεὶς ὑφ' ἡμῶν, Ἀριστοφῶν  
 ὄνομ' αὐτῷ, ὃς καὶ τὰ τοῦ Μικκαλίωνος πράγματ'  
 ἐσκευώρηται (ταῦτα γὰρ νῦν ἀκούομεν), ἠργο-  
 λάβηκεν αὐτὸς καὶ κατεπήγγελται τουτωί, καὶ  
 ὅλως ἐστὶν ὁ πάντα πράττων οὗτος· ὁδὶ δ' ἄσμενος
- 12 δέδεκται ταῦτα. ὡς γὰρ διήμαρτε τοῦ διαφθαρῆναι  
 τὸ πλοῖον, οὐκ ἔχων ἀποδοῦναι τὰ χρήματα τοῖς  
 δανείασσι (πῶς γὰρ, ἅ γ' ἐξ ἀρχῆς μὴ ἐνέθετο;) ἀν-  
 τιποιεῖται τῶν ἡμετέρων, καὶ φησι τῷ Ἡγε-  
 στρατῷ ἐπὶ τούτῳ τῷ σίτῳ δεδανεικέναι, ὃν ὁ παρ'  
 ἡμῶν ἐπιπλέων ἐπρίατο. οἱ δὲ δανεισταὶ τὸ ἐξ  
 ἀρχῆς ἠπατημένοι, ὀρώντες ἑαυτοῖς ἀντὶ τῶν  
 χρημάτων ἀνθρωπον πονηρὸν χρήστην, ἄλλο δ'  
 οὐδέν, ἐλπίδ' ἔχοντες ὑπὸ τούτου παρακρουσθέντων  
 ὑμῶν ἐκ τῶν ἡμετέρων ἀπολήψεσθαι τὰ ἑαυτῶν,  
 ὃν ἴσασι ψευδόμενον ταῦτα καθ' ἡμῶν, τούτῳ  
 συνδικεῖν ἀναγκάζονται τοῦ συμφέροντος εἴνεκα τοῦ  
 ἑαυτῶν.
- 13 Τὸ μὲν οὖν πρᾶγμ', ὑπὲρ οὗ τὴν ψῆφον οἴσετε,  
 ὡς εἰπεῖν ἐν κεφαλαίῳ, τοιοῦτόν ἐστι. βούλομαι δὲ

<sup>a</sup> For the Greek phrase compare Orations XXXVII. § 39, XXXIX. § 2. and XL. § 9.

<sup>b</sup> The precise meaning of the phrase ἐκ βουλῆς is disputed. Others take it as meaning that the man in question was a member of the Athenian βουλή, or Senate.



## AGAINST ZENOTHEMIS, 10-13

There exists in the Peiræus a gang of scoundrels <sup>a</sup> closely leagued with one another. You would know 11 them at once, should you see them. When this man Zenothemis was scheming to prevent the vessel from completing her voyage to Athens we chose one of these men after consulting with one another <sup>b</sup> as our representative. He was known to us after a fashion, but we had no idea of his real character. This was in fact a piece of misfortune for us as great, if so much may be said, as our having to deal with rascals at the start. This man who was sent out by us—his name was Aristophon, and he is the same one, as we now hear, who managed the business of Miccalion—has entered into an agreement with the plaintiff, and has sold him his services. In a word he is the one who is managing the whole affair, and Zenothemis has been glad to accept this help. For when he failed in his 12 scheme to destroy the vessel, not being able to pay back their money to his creditors—how could he pay, when at the start he had put nothing on board?—he lays claim to my goods, and declares that he has lent money to Hegestratus on the security of the grain which our agent sailing with him had purchased. The creditors, who had been deceived in the first instance, seeing that instead of receiving their money, they have a scoundrel as their debtor and nothing more, and hoping that, if you are imposed upon by Zenothemis, they may recover their own out of my property, are forced to make common cause with him in order to protect their own interests, although they know him to be making these false charges against me.

Such, to speak briefly, is the matter on which you 13 are to cast your votes. But I wish first to bring before

## DEMOSTHENES

τοὺς μάρτυρας ὧν λέγω πρῶτον ὑμῖν παρασχόμενος, μετὰ ταῦτ' ἤδη καὶ τᾶλλα διδάσκειν.

Καί μοι λέγε τὰς μαρτυρίας.

[886]

### ΜΑΡΤΥΡΙΑΙ

- 14 Ἐπειδὴ τοίνυν ἀφίκετο δεῦρο τὸ πλοῖον, γνόντων τῶν Κεφαλλήνων ἀντιπράττοντος τούτου, ὅθεν ἐξέπλευσε τὸ πλοῖον, ἐνταῦθα καὶ καταπλεῖν αὐτό, τὴν μὲν ναῦν οἱ ἐπὶ τῇ νηὶ δεδανεικότες ἐνθένδ' εὐθέως εἶχον, τὸν δὲ σῖτον ὁ ἡγορακῶς εἶχεν· ἦν δ' οὗτος ὁ ἡμῖν τὰ χρήματ' ὀφείλων. μετὰ ταῦθ' ἦκεν οὗτος ἔχων τὸν παρ' ἡμῶν πεμφθέντα πρεσβευτήν, τὸν Ἄριστοφῶντα, καὶ ἡμφεσβήτει τοῦ σίτου, φάσκων
- 15 Ἐγχεστράτῳ δεδανεικέναι. “ τί λέγεις, ἄνθρωπε; ” εὐθέως ὁ Πρῶτος (τοῦτο γὰρ ἦν τοῦνομα τῷ τὸν σῖτον εἰσαγαγόντι, τῷ τὰ χρήμαθ' ἡμῖν ὀφείλοντι) “ σὺ χρήματα δέδωκας Ἐγχεστράτῳ, μεθ' οὗ τοὺς ἄλλους ἐξηπάτηκας, ὅπως δανείσῃται; καὶ σοὶ πολλάκις λέγοντος, ὅτι τοῖς προἰεμένοις ἀπολείται τὰ χρήματα, σὺ οὖν ταῦτ' ἀκούων αὐτὸς ἂν προήκω; ” ἔφη, καὶ ἀναιδῆς ἦν. “ οὐκοῦν εἰ τὰ μάλιστ' ἀληθῆ λέγεις, ” τῶν παρόντων τις ὑπέλαβεν, “ ὁ σὸς κοινωνὸς καὶ πολίτης, ὁ Ἐγχεστρατος, ὡς ἔοικεν, ἐξηπάτηκέ σε, καὶ ὑπὲρ τούτων
- 16 αὐτὸς αὐτῷ θανάτου τιμήσας ἀπόλωλεν. ” “ καὶ ὅτι γ' ” ἔφη τις τῶν παρόντων, “ ἀπάντων ἐστὶ συνεργὸς οὗτος ἐκείνω, σημεῖον ὑμῖν ἐρῶ· πρὸ γὰρ τοῦ διακόπτειν ἐπιχειρῆσαι τὴν ναῦν, τίθενται πρὸς τινα τῶν συμπλεόντων οὗτος καὶ ὁ Ἐγχεστρατος

## AGAINST ZENOTHEMIS, 13-16

you the witnesses to what I am saying, and then to instruct you regarding other aspects of the case.

Please read the depositions.

### THE DEPOSITIONS

When the vessel arrived here—for the Cephallen- 14  
ians ordered, despite the plaintiff's machinations,  
that it should put into the port from which it first  
sailed—those who had lent money on the ship im-  
mediately took possession of her, and the man who  
had bought the grain took possession of it; he was  
the one who had borrowed the money of us. After  
this the plaintiff came, having with him Aristophon,  
the man sent out as our representative, and laid  
claim to the grain, saying that he had lent money  
to Hegestratus. "What are you saying, fellow?" 15  
exclaimed Protus immediately. (This was the name  
of the man who imported the grain, and who owed us  
the money.) Is it you who have given money to  
Hegestratus, you who aided him to deceive the  
others, that he might borrow of them? Would you  
who often heard him say that those who ventured  
their money would lose it, would you, I say,  
hearing this, have ventured yours?" "Yes," said  
he impudently. "Well, then," interrupted one  
of those present, "if what you say is never so true,  
your partner and fellow-countryman, Hegestratus,  
has taken you in, it appears, and for that has passed  
sentence of death upon himself, and is dead." "Yes," 16  
said another of the bystanders, "and that this fellow  
has co-operated with Hegestratus in the whole matter,  
I will give you a proof. For before the attempt was  
made to cut through the ship's bottom, this man and  
Hegestratus deposited with one of the ship's com-

## DEMOSTHENES

συγγραφῆν. καίτοι εἰ μὲν εἰς πίστιν ἔδωκας, τί  
 πρὸ τοῦ κακουργήματος ἂν τὰ βέβαι' ἐποιού; εἰ  
 δ' ἀπιστῶν ἐτύγχανες, τί οὐχ, ὥσπερ οἱ ἄλλοι, τὰ  
 17 δίκαι' ἐλάμβανες ἐν τῇ γῆ;'' τί ἂν τὰ πολλὰ  
 λέγοι τις; ἦν γὰρ οὐδ' ὅτιοῦν πλέον ἡμῖν ταῦτα  
 857] λέγουσιν, ἀλλ' εἵχετο τοῦ σίτου. ἐξῆγεν αὐτὸν ὁ  
 Πρῶτος καὶ ὁ κοινωνὸς τοῦ Πρῶτου, Φέρτατος·  
 οὗτοσι δ' οὐκ ἐξήγετο, οὐδ' ἂν ἔφη διαρρήδην ὑπ'  
 18 οὐδενὸς ἐξαχθῆναι, εἰ μὴ αὐτὸν ἐγὼ ἐξάξω. μετὰ  
 ταῦτα προῦκαλεῖθ' ὁ Πρῶτος αὐτὸν καὶ ἡμεῖς ἐπὶ  
 τὴν ἀρχὴν τὴν τῶν Συρακοσίων, κἂν μὲν ἐωνημένος  
 τὸν σῖτον ἐκείνος φαίνεται καὶ τὰ τέλη κείμεν'  
 ἐκείνω καὶ τὰς τιμὰς ὁ διαλύων ἐκείνος, τοῦτον  
 πονηρὸν ὄντ' ἠξιούμεν ζημιοῦσθαι, εἰ δὲ μὴ, καὶ  
 τὰ διάφορ' ἀπολαβεῖν καὶ τάλαντον προσλαβεῖν, καὶ  
 τοῦ σίτου ἀφιστάμεθα. ταῦτ' ἐκείνου προκαλου-  
 μένου καὶ λέγοντος καὶ ἡμῶν οὐδὲν ἦν πλέον, ἀλλ'  
 ἦν αἵρεσις ἢ τοῦτον ἐξάγειν, ἢ ἀπολωλεκέναι  
 19 σωθέντα καὶ παρόντα τὰ ἡμέτερ' αὐτῶν. ὁ γὰρ αὖ  
 Πρῶτος διεμαρτύρετ' ἐξάγειν, βεβαιῶν ἀναπλεῖν  
 ἐθέλειν εἰς τὴν Σικελίαν· εἰ δὲ ταῦτ' ἐθέλοντος  
 αὐτοῦ προησόμεθ' ἡμεῖς τούτῳ τὸν σῖτον, οὐδὲν  
 αὐτῷ μέλειν. καὶ ὅτι ταῦτ' ἀληθῆ λέγω, καὶ οὗτ'  
 ἂν ἐξαχθῆναι ἔφη, εἰ μὴ ὑπ' ἐμοῦ, οὐθ' ἂ προῦ-  
 καλεῖτο περὶ τοῦ ἀναπλεῖν ἐδέχετο, ἔν τε τῷ πλῶ  
 τὴν συγγραφῆν ἔθετο, λέγε τὰς μαρτυρίας.

<sup>a</sup> The meaning appears to be that Zenothemis considered Demo. rather than Protus, a person from whom he might hope to win damages for ejectment.

## AGAINST ZENOTHEMIS, 16-19

pany a written agreement. Yet, if you had confidence in him when you gave the money, why should you have sought some security for yourself before the crime? But if you distrusted him, why did you not, like the others, get a legal acknowledgement before sailing?" But why relate all that was said? We 17 made no progress by all this talking; he held on to the grain. Protus tried to put him out, and so did Phertatus, Protus's partner; but he wouldn't budge, declaring point-blank that he would not be put out of possession by anyone, unless I myself should put him out.<sup>a</sup> After this Protus and I challenged him to go 18 before the Syracusan authorities, and, if it should be shown that Protus had bought the grain, that the customs duties were recorded in his name, and that it was he who had paid the price, we demanded that Zenothemis be punished as a rascal; if this were not proved, we agreed that he should receive back all he had expended and a talent in addition and that we would relinquish our claim to the grain. Despite this challenge and all that Protus and I could say, we made no progress, but I had to choose either to put Zenothemis out, or to lose my property which had been brought safe to port and was there before my eyes. Protus on his part adjured us by the gods to 19 put him out, declaring himself ready to sail back to Sicily; but if, despite this willingness of his, I should give up the grain to Zenothemis, he said it made no difference to him. To prove that I am telling the truth in this—that the plaintiff refused to be put out of possession except by me, that he refused the challenge to sail back to Sicily, and that he deposited the agreement in the course of the voyage—read the depositions.

# DEMOSTHENES

## ΜΑΡΤΥΡΙΑΙ

- 20 Ἐπειδὴ τοίνυν οὐτ' ἐξάγεσθαι ἤθελεν ὑπὸ τοῦ  
 Πρώτου, οὐτ' εἰς τὴν Σικελίαν ἀναπλεῖν ἐπὶ τὰ  
 δίκαια, προειδώς θ' ἅπαντ' ἐφαίνετο, ἃ ὁ Ἡγέ-  
 στρατος ἐκακούργει, λοιπὸν ἦν ἡμῖν τοῖς ἐνθένδε  
 μὲν πεπονημένοις τὸ συμβόλαιον, παρειληφόσιν δὲ  
 τὸν σίτον παρὰ τοῦ δικαίως ἐκεῖ πριαμένου, ἐξάγειν  
 21 τοῦτον. τί γὰρ ἂν καὶ ἄλλ' ἐποιούμεν; οὐπω γὰρ  
 τοῦτό γ' οὐδεὶς ἡμῶν τῶν κοινωνῶν ὑπελάμβανε,  
 [888] ὡς ὑμεῖς γνώσεσθέ ποτ' εἶναι τούτου τὸν σίτον, ὃν  
 καταλιπεῖν οὗτος ἔπειθε τοὺς ναύτας, ὅπως ἀπ-  
 ὀλοιτο τοῦ πλοίου καταδύντος. ὃ καὶ μέγιστόν ἐστι  
 σημεῖον τοῦ μηδὲν προσήκειν αὐτῷ. τίς γὰρ ἂν  
 τὸν ἑαυτοῦ σίτον ἔπειθε προέσθαι τοὺς σώζειν  
 βουλομένους; ἢ τίς οὐκ ἂν ἔπλει δεξάμενος τὴν  
 πρόκλησιν εἰς τὴν Σικελίαν, οὐ ταῦτ' ἦν ἐλέγξαι  
 22 καθαρῶς; καὶ μὴν οὐδὲ τοῦτ' ἐμέλλομεν ὑμῶν  
 καταγνώσεσθαι, ὡς εἰσαγωγίμον ψηφιεῖσθε τούτῳ  
 τὴν δίκην περὶ τούτων τῶν χρημάτων, ἃ κατὰ πολ-  
 λούς τρόπους οὗτος ἔπραττεν ὅπως μὴ εἰσαγωγήμα  
 δεῦρ' ἔσται, πρῶτον μὲν ὅτ' αὐτὰ καταλιπεῖν τοὺς  
 ναύτας ἔπειθεν, εἰθ' ὅτ' ἐν Κεφαλληνίᾳ μὴ δεῦρο  
 23 πλεῖν τὴν ναῦν ἔπραττεν. πῶς γὰρ οὐκ αἰσχρὸν  
 καὶ δεινὸν ἂν γένοιτο, εἰ Κεφαλλῆνες μὲν, ὅπως  
 τοῖς Ἀθηναίοις σωθῆ τὰ χρήματα, δεῦρο πλεῖν  
 τὴν ναῦν ἔκριναν, ὑμεῖς δ' ὄντες Ἀθηναῖοι τὰ  
 τῶν πολιτῶν τοῖς καταποντίσαι βουλευθείσι δοῦναι  
 γνοίητε, καὶ ἃ μὴ καταπλεῖν ὅλως οὗτος δεῦρ'  
 190

## THE DEPOSITIONS

When, therefore, he refused to be put out of 20 possession by Protus, or to sail back to Sicily for an equitable settlement, and when it was proved that he was an accomplice in all the villainy of Hegestratus, the only course left for us, who had lent our money here at Athens and had taken over the grain from the man who had honestly purchased it there in Sicily, was to dispossess the plaintiff. What else 21 could we have done? Not one of us partners had as yet any idea that you would ever declare the grain to be this man's property—grain which he tried to induce the sailors to abandon, that it might be lost by the sinking of the ship. This fact is the strongest proof that none of it belonged to him; for who would have tried to induce those who were attempting to save it to abandon grain which belonged to himself? Or who would not have accepted the challenge and have sailed to Sicily, where these matters might have been clearly proved? And 22 surely I was not going to have so poor an opinion of you as to imagine that you would vote to allow this man to enter a suit regarding these goods, whose entry into your port he had sought by every means to prevent,—first when he tried to induce the sailors to abandon them, and again when in Cephallenia he strove to prevent the ship from sailing here. Would 23 it not be a shameful and outrageous thing, if Cephallenians, in order to save property for Athenians, ordered the ship to be brought here, but you, who are Athenians, should order the property of your citizens to be given up to those who wished to throw it into the sea, and should allow this fellow to enter

## DEMOSTHENES

ἔπραττε, ταῦτ' εἰσαγώγιμα τούτῳ ψηφίσαισθε; μὴ δῆτ', ὦ Ζεῦ καὶ θεοί. λέγε δὴ μοι τί παραγέγραμμαι.

### ΠΑΡΑΓΡΑΦΗ

Λέγε δὴ μοι τὸν νόμον.

### ΝΟΜΟΣ

24 "Οτι μὲν τοίνυν ἐκ τῶν νόμων παρεγραψάμην μὴ εἰσαγώγιμον εἶναι τὴν δίκην, ἱκανῶς οἶμαι δεδειχθαι· τέχνην δ' ἀκούσεσθε τοῦ σοφοῦ τοῦ ταῦτα πάντα συντεθηκότος, τοῦ Ἀριστοφῶντος. ὡς γὰρ ἐκ τῶν πραγμάτων ἀπλῶς οὐδὲν ἑώρων δίκαιον  
 [889] ἑαυτοῖς ἐνόν, ἐπικηρυκεύονται τῷ Πρώτῳ καὶ πείθουσι τὸν ἄνθρωπον ἐνδοῦναι τὰ πράγμαθ' ἑαυτοῖς, πράττοντες μὲν ὡς ἔοικε καὶ ἐξ ἀρχῆς τοῦτο, ὡς ἡμῖν νῦν φανερὸν γέγονεν, οὐ δυνάμενοι δὲ  
 25 πείσαι. ὁ γὰρ Πρῶτος, ἕως μὲν ᾤετο τὸν σῖτον κέρδος ἐλθόντα ποιήσειν, ἀντείχετο τούτου, καὶ μᾶλλον ἤρεῖθ' αὐτός τε κερδᾶναι καὶ ἡμῖν τὰ δίκαι' ἀποδοῦναι, ἢ κατακοινωνήσας τούτοις, τῆς μὲν ὠφελείας τούτους ποιῆσαι μερίτας, ἡμᾶς δ' ἀδικῆσαι· ὡς δὲ δεῦρ' ἦκοντος αὐτοῦ καὶ περὶ ταῦτα  
 26 ἔλαβε γνώμην. καὶ ἄμ' (εἰρήσεται γάρ, ἄνδρες Ἀθηναῖοι, πᾶσα πρὸς ὑμᾶς ἡ ἀλήθεια) καὶ ἡμεῖς οἱ δεδανεικότες προσεκρούομεν αὐτῷ καὶ πικρῶς εἶχομεν, τῆς τε ζημίας ἐφ' ἡμᾶς ἰούσης τῆς περὶ τὸν σῖτον, καὶ συκοφάντην ἀντὶ χρημάτων αἰτιώ-



## AGAINST ZENOTHEMIS, 23-26

an action for goods which he schemed to prevent from being brought here at all? Do not do that, I implore you by Zeus and the Gods. Now read, please, the special plea which I entered.

### THE PLEA

Now please read the law.

### THE LAW

That my plea that the action is not admissible 24 is in harmony with the laws, has, I think, been sufficiently proved; but you must hear the trick of this clever fellow Aristophon, who has concocted the whole scheme. When they saw that, in the light of the facts, they had absolutely no basis of right, they made overtures to Protus, and induced him to leave the matter wholly in their hands. From the first, as has now become plain to us, they had been working to this end, but had been unable to carry their point. For 25 Protus, so long as he thought to get a profit for himself from the grain by going, clung to it, and chose rather to make his profit, and to render to us what was our due, than to make common cause with these men, sharing with them the advantage gained and doing us an injury. But when, after he had come back here and was negotiating about these matters, grain fell in price, he straightway changed his mind. At the same time (for, men of 26 Athens, the whole truth shall be told you), we on our part, who had made the loan, came to a quarrel and felt bitter against him (for the loss on the grain was falling on us), and charged that he had secured for us this pettifogging scoundrel instead of our

## DEMOSTHENES

μενοι τούτον ἡμῖν κεκομικένοι. ἐκ τούτων, οὐδὲ φύσει χρηστὸς ὢν ἄνθρωπος δηλονότι, ἐπὶ τούτους ἀποκλίνει, καὶ συγχωρεῖ τὴν δίκην ἔρημον ὀφλεῖν, ἣν οὗτος αὐτῷ λαγχάνει τότε, ὅτ' οὐπω ταῦτ'

27 ἐφρόνου. εἰ μὲν γὰρ ἀφῆκε τὸν Πρῶτον, ἐξελήλεγκτ' ἂν εὐθέως ἡμᾶς συκοφαντῶν· ὀφλεῖν δὲ παρῶν ἐκεῖνος οὐ συνεχώρει, ἵν' ἔαν μὲν αὐτῷ ποιῶσιν ἂ ὠμολογήκασιν—, εἰ δὲ μή, τὴν ἔρημον ἀντιλάχῃ. ἀλλὰ τί ταῦτα; εἰ μὲν γὰρ ἂ γέγραφεν οὗτος εἰς τὸ ἔγκλημ' ἐποίει, οὐκ ὀφλεῖν ἂν δίκην δικαίως, ἀλλ' ἀποθανεῖν ὁ Πρῶτος ἔμοιγε δοκεῖ.

εἰ γὰρ ἐν κακοῖς καὶ χειμῶνι τοσοῦτον οἶνον ἔπινεν, ὥσθ' ὅμοιον εἶναι μανία, τί οὐκ ἄξιός ἐστι παθεῖν;

28 ἢ εἰ γράμματ' ἔκλεπτεν; ἢ εἰ ὑπανέωγεν; ἀλλὰ ταῦτα μὲν αὐτοὶ πρὸς ἑαυτοὺς ὑμεῖς ὅπως ποτ' ἔχει

[890] διακρινεῖσθε· τῇ δ' ἐμῇ δίκῃ μηδὲν ἐκείνης πρόσαγε. εἴ τί σ' ἠδίκηκεν ὁ Πρῶτος ἢ λέγων ἢ ποιῶν, ἔχεις ὡς ἔοικε δίκην· οὐδεὶς ἡμῶν ἐκώλυεν, οὐδὲ νῦν παραιτεῖται. εἰ σεσυκοφάντηκας, οὐ περιεργαζόμεθα. νῆ Δί', ἀλλ' ἐκποδῶν ἐστὶν ἄνθρωπος.

29 διὰ γ' ὑμᾶς, ἵνα τὰς τε μαρτυρίας τὰς ἡμετέρας λίπη, καὶ νῦν ὑμεῖς ὅ τι ἂν βούλησθε λέγητε κατ' αὐτοῦ. εἰ γὰρ μὴ δι' ὑμῶν ἔρημος ἐγίγνεθ' ἡ δίκη, ἄμ' ἂν αὐτὸν προσεκαλοῦ καὶ κατηγγύας πρὸς τὸν πολέμαρχον, καὶ εἰ μὲν κατέστησέ σοι τοὺς ἐγ-

## AGAINST ZENOTHEMIS, 26-29

money. After this, being manifestly none too honest by nature, he went over to their side, and agreed to let judgement go by default in the suit which Zenothemis had brought against him before they had come to an agreement with one another. For, if he had dropped his suit against Protus, it would have been made clear at once that his action against us was a malicious one, and Protus would not consent to have judgement given against him while he was here present, in order that, if they should do for him what they had agreed—well and good; but, if not, he might have the judgement by default set aside. But why speak of all this? If Protus really did what Zenothemis here has written in his complaint, he justly deserves, as it seems to me at least, not merely to have judgement given against him, but to be put to death. For if in danger and tempest he drank so much wine as to be like a madman, what punishment does he not deserve to suffer? Or, if he stole documents, or secretly broke the seals? However, the facts regarding all these things you will determine in your own minds; but, Zenothemis, do not mix up that action with mine. If Protus has wronged you in word or deed, you have, it seems, had satisfaction. No one of us sought to hinder you, or now begs for leniency for him. If you have brought a baseless charge against him, that is no affair of ours. Ah, but the fellow has disappeared. Yes; thanks to you, who wished to deprive us of his testimony, and to be able yourselves to say against him whatever you please. For if the judgement by default had not been of your own contriving, you would at the same time have called him before the Polemarch, and have had him put under bail; and, if he had appointed sureties,

## DEMOSTHENES

γυητάς, μένειν ἠναγκάζετ' ἄν, ἢ σὺ παρ' ὧν λήψει  
 δίκην ἐτοιμούς εἶχες, εἰ δὲ μὴ κατέστησεν, εἰς τὸ  
 30 οἴκημ' ἄν ᾗει. νῦν δὲ κοινωσάμενοι τὸ πρᾶγμα, ὃ  
 μὲν διὰ σοῦ τὴν γεγонуῖαν ἔκδειαν οὐκ ἀποδώσειν  
 ἡμῖν οἶεται, σὺ δ' ἐκείνου κατηγορῶν τῶν ἡμετέρων  
 κύριος γενήσεσθαι. τεκμήριον δέ· ἐγὼ μὲν γὰρ  
 αὐτὸν κλητεύσω, σὺ δ' οὔτε κατηγογγύησας οὔτε νῦν  
 κλητεύσεις.

31 Ἔτι τοίνυν ἕτερα τις ἐστὶν ἐλπίς αὐτοῖς τοῦ  
 παρακρούσεσθαι καὶ φενακιεῖν ὑμᾶς. αἰτιάσονται  
 Δημοσθένην, καὶ ἐκείνῳ με πιστεύοντα φήσουσιν  
 ἐξάγειν τουτονί, ὑπολαμβάνοντες τῷ ῥήτορα καὶ  
 γνώριμον εἶναι ἐκείνον πιθανὴν ἔχειν τὴν αἰτίαν.  
 ἐμοὶ δ' ἐστὶ μὲν, ὦ ἄνδρες Ἀθηναῖοι, Δημοσθένης  
 οἰκείος γένει (καὶ πάντας ὑμῖν ὄμνυμι τοὺς θεοὺς  
 32 ἢ μὴν ἐρεῖν τάληθῆ), προσελθόντος δ' αὐτῷ μου  
 καὶ παρῆναι καὶ βοηθεῖν ἀξιούντος εἴ τι ἔχοι,  
 “Δήμων,” ἔφη, “ἐγὼ ποιήσω μὲν ὡς ἂν σὺ  
 κελεύης· καὶ γὰρ ἂν δεινὸν εἴη. δεῖ μέντοι καὶ τὸ  
 [891] σαυτοῦ καὶ τοῦμόν λογίσασθαι. ἐμοὶ συμβέβηκεν,  
 ἀφ' οὗ περὶ τῶν κοινῶν λέγειν ἠρξάμην, μηδὲ  
 πρὸς ἓν πρᾶγμ' ἴδιον προσεληλυθέναι· ἀλλὰ καὶ τῆς  
 πολιτείας αὐτῆς τὰ τοιαῦτ' ἐξέστηκα. \* \* \*

(Desunt quaedam.)

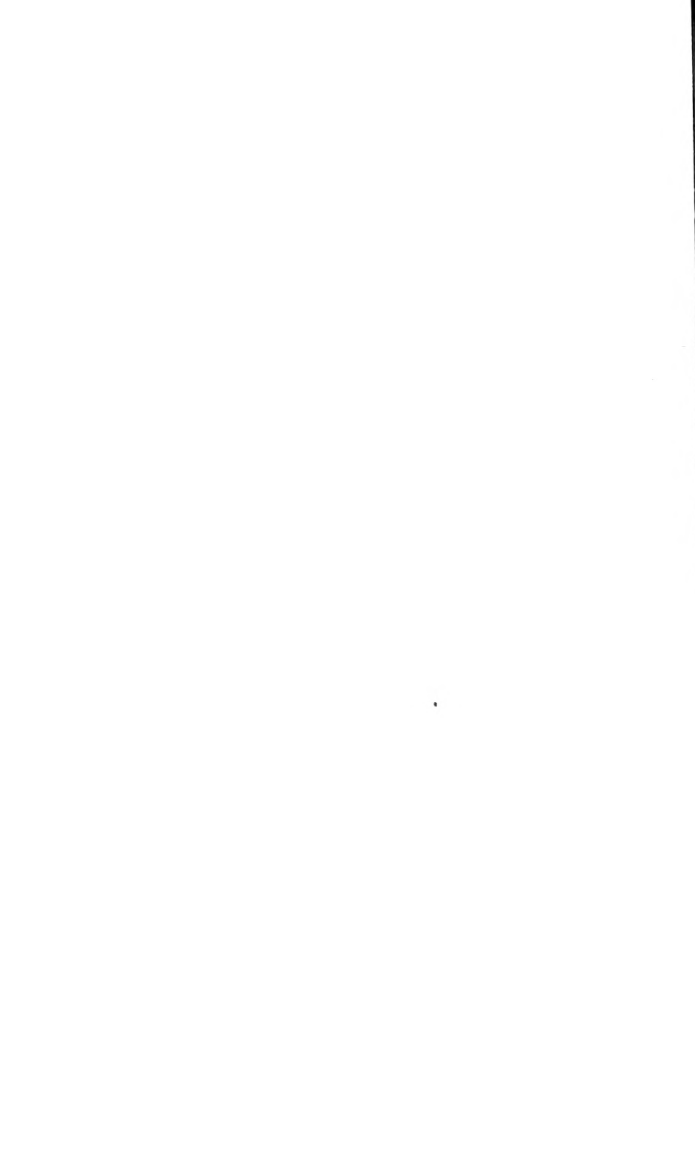
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<sup>a</sup> The word οἴκημα, “lodging,” is used as a euphemism for δεσμωντήριον, “prison.” Cf. Oration LVI. § 4.

he would have been forced to remain, or you would have had persons from whom you could recover damages ; if he had not given bail, he would have gone to prison.<sup>a</sup> But, as it is, you have made common <sup>30</sup> cause ; he thinks that through your help he will escape paying us the deficiency that has come about ; and you, through accusing him, hope to get control of my property. Here is a proof of this. I shall summon him as a witness ; you, Zenothemis, did not have him put under bail, nor do you now summon him.

There is yet another way in which they hope to <sup>31</sup> deceive and trick you. They will accuse Demosthenes, and will say that I relied upon his help when I put Zenothemis out of possession of the grain, assuming that this charge will be credited because he is an orator and a well-known personage. Demosthenes, men of Athens, is indeed my blood-relation (I swear to you by all the gods that I shall speak the truth), but when I approached <sup>32</sup> him, and entreated him to be present and to aid me in any way he could, he said to me, " Demo, I will do as you bid me ; it would be cruel to refuse you. You must, however, consider both your own circumstances and mine. My own position is this : from the time when I first began to speak on public affairs I have not come forward to plead in a single private case, but . . .<sup>b</sup>

<sup>b</sup> The speech is mutilated at the end, and the concluding words yield no satisfactory sense.



AGAINST APATURIUS

## INTRODUCTION

THE defendant in this suit, whose name is not mentioned, was sued for twenty minae by Apaturius. Again, as in the preceding case, a special plea is made that the suit is not maintainable, and again the speech deals largely with the circumstances leading up to the suit. These were substantially as follows.

Apaturius, a merchant of Byzantium, found himself unable to meet a debt of forty minae, secured by his vessel, which lay in the harbour of Peiraeus. The period for which the loan had been made had expired, and his creditors were pressing him. He therefore approached an exiled compatriot of his, a certain Parmeno, who promised him ten minae, giving him three at the time. They then jointly approached the defendant in this suit, who on his own security induced a banker, Heracleides, to advance the thirty minae needed. He took this sum in addition to the ten minae secured from Parmeno, paid off the creditors, and protected himself by taking a mortgage of forty minae on the ship of Apaturius and its crew of slaves.

At this juncture the bank of Heracleides failed, and demand was made upon the defendant for the forty minae, the liability for which he had assumed. At the same time Apaturius tried to remove the slaves and get his ship secretly out of the harbour. The defendant at once transferred his mortgage to the



## AGAINST APATURIUS

creditors of the bank, who in turn gave him a release from his obligation, and he filed a lien on the ship for ten minae to protect Parmeno. The vessel was then sold for forty minae, all claims were settled, and mutual releases were given in the presence of witnesses by those involved in the transaction.

After this suits were instituted against one another by Apaturius and Parmeno on account of violence used when the latter had prevented Apaturius from taking his ship out of the harbour. It was agreed that the matter should be settled by arbitration, but the articles of agreement disappeared (that they were purposely made away with is claimed by the writer of this speech), and it was a matter of dispute whether the reference was to a single arbitrator or to a board of three. Meanwhile Parmeno was obliged to leave Athens. An earthquake occurred in the Chersonese, where he was making his home on account of his exile from Byzantium, and in the disaster his house was destroyed and his wife and children perished. In his absence judgement was given against him by default, and the damages were assessed at twenty minae.

Apaturius then filed suit against the unnamed defendant, alleging that he was surety for Parmeno. This the defendant denies, and he charges further that the award was a fraudulent one.

On this speech see Schaefer, iii.<sup>2</sup> pp. 297 ff., and Blass, iii. pp. 572 ff.

## XXXIII

### ΠΡΟΣ ΑΠΑΤΟΥΡΙΟΝ ΠΑΡΑΓΡΑΦΗ

Τοῖς μὲν ἐμπόροις, ὧ ἄνδρες δικασταί, καὶ τοῖς  
 ναυκλήροις κελεύει ὁ νόμος εἶναι τὰς δίκας πρὸς τοὺς  
 θεσμοθέτας, εἴαν τι ἀδικῶνται ἐν τῷ ἐμπορίῳ ἢ  
 ἐνθένδε ποι πλείοντες ἢ ἐτέρωθεν δεῦρο, καὶ τοῖς  
 ἀδικουῦσι δεσμὸν ἔταξε τοῦπιτίμιον, ἕως ἂν ἐκτεί-  
 σωσιν ὅ τι ἂν αὐτῶν καταγνωσθῆ, ἵνα μηδεὶς ἀδικῆ  
 2 μηδένα τῶν ἐμπόρων εἰκῆ. τοῖς δὲ περὶ τῶν μὴ  
 γενομένων συμβολαίων εἰς κρίσιν καθισταμένοις ἐπὶ  
 [893] τὴν παραγραφὴν καταφεύγειν ἔδωκεν ὁ νόμος, ἵνα  
 μηδεὶς συκοφαντῆται, ἀλλ' αὐτοῖς τοῖς τῆ ἀληθείᾳ  
 ἀδικουμένοις τῶν ἐμπόρων καὶ τῶν ναυκλήρων αἱ  
 δίκαι ὦσιν. καὶ πολλοὶ ἤδη τῶν φευγόντων ἐν ταῖς  
 ἐμπορικαῖς, παραγραιψάμενοι κατὰ τὸν νόμον του-  
 τονὶ καὶ εἰσελθόντες εἰς ὑμᾶς, ἐξήλεγξαν τοὺς δικα-  
 ζομένους ἀδίκως ἐγκαλοῦντας, καὶ ἐπὶ τῆ προφάσει  
 3 τοῦ ἐμπορεύεσθαι συκοφαντοῦντας. ὁ μὲν οὖν μετὰ  
 τούτου μοι ἐπιβεβουλευκῶς καὶ τὸν ἀγῶνα τουτονὶ  
 κατεσκευακῶς, προϊόντος τοῦ λόγου καταφανῆς

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<sup>a</sup> The Thesmothetae were the six archons (other than the Eponymus, the Basileus, and the Polemarch), and were empowered to administer justice in cases not specifically within the province of any other magistrate.

## XXXIII

### AN UNKNOWN PLEADER AGAINST APATURIUS, A SPECIAL PLEA

THE law, men of Athens, ordains that actions for merchants and shipowners shall be before the Thesmothetae<sup>a</sup> if they have been in any way wronged in the market either in connexion with a voyage from Athens to any point, or from some other port to Athens; and it fixes imprisonment as the penalty for wrongdoers until such time as they shall have paid the amount adjudged against them, so that no one may lightly do wrong to any merchant. To those,<sup>2</sup> however, who are brought into court in cases where no contract has been made, the law gives the right to have recourse to a special plea, that no one may bring a baseless or malicious suit, but that actions may be confined to those among the merchants and shipowners who are really wronged. Many defendants in mercantile suits have before now entered special pleas in accordance with this law, and have come before you and proved that their adversaries were making unjust charges and bringing baseless suits under pretence of being engaged in commerce. Who it is that has conspired with this fellow against<sup>3</sup> me and who has concocted this suit, will become clear to you as my speech goes on. Since, however,

## DEMOSTHENES

ὑμῖν ἔσται· ἐγκαλοῦντος δέ μοι Ἀπατουρίου τὰ ψευδῆ καὶ παρὰ τοὺς νόμους δικαζομένου, καὶ ὅσα μὲν ἐμοὶ καὶ τούτῳ ἐγένετο συμβόλαια, πάντων ἀπαλλαγῆς καὶ ἀφέσεως γενομένης, ἄλλου δὲ συμβολαίου οὐκ ὄντος ἐμοὶ πρὸς τοῦτον, οὔτε ναυτικοῦ οὔτ' ἐγγείου, παρεγραψάμην τὴν δίκην μὴ εἰσαγωγίμον εἶναι κατὰ τοὺς νόμους τουτουσί.

### ΝΟΜΟΙ

- 4 Ὡς τοίνυν παρὰ τοὺς νόμους τούτους εἴληχέ μοι τὴν δίκην Ἀπατούριος καὶ τὰ ψευδῆ ἐγκέκληκεν, ἐκ πολλῶν ὑμῖν τοῦτ' ἐπιδείξω. ἐγὼ γάρ, ὦ ἄνδρες δικασταί, πολὺν ἤδη χρόνον ἐπὶ τῆς ἐργασίας ὦν τῆς κατὰ θάλατταν, μέχρι μὲν τινος αὐτὸς ἐκινδύνεον, οὔπω δ' ἔτη ἐστὶν ἑπτὰ, ἀφ' οὗ τὸ μὲν πλεῖν καταλέλυκα, μέτρια δ' ἔχων τούτοις πειρῶμαι
- 5 ναυτικοῖς ἐργάζεσθαι. διὰ δὲ τὸ ἀφίχθαι πολλαχόσε καὶ διὰ τὸ εἶναι μοι τὰς διατριβὰς περὶ τὸ ἐμπόριον, γνωρίμωσ ἔχω τοῖς πλείστοις τῶν πλεόντων τὴν θάλατταν, τούτοις δὲ τοῖς ἐκ Βυζαντίου καὶ πάνυ οἰκείωσ χρώμαι διὰ τὸ ἐνδιατρῆψαι αὐτόθι.
- [894] ἔχοντος δέ μου οὔτως ὡς λέγω, κατέπλευσαν δεῦρο τρίτον ἔτος οὗτός τε καὶ πολίτης αὐτοῦ Παρμένων,
- 6 Βυζάντιος μὲν τὸ γένος, φυγὰς δ' ἐκεῖθεν. προσελθόντες δέ μοι ἐν τῷ ἐμπορίῳ οὗτος καὶ ὁ Παρμένων, ἐμνήσθησαν περὶ ἀργυρίου. ἔτυχε δὲ οὗτοσι ὀφείλων ἐπὶ τῇ νηὶ τῇ ἑαυτοῦ τετταράκοντα μνᾶς, καὶ οἱ χρῆσται κατήπειγον αὐτὸν ἀπαιτοῦντες καὶ ἐνεβάτευον εἰς τὴν ναῦν, εἰληφότες τῇ ὑπερημερίᾳ. ἀπορουμένω δ' αὐτῷ, μνᾶς μὲν δέκα ὁ Παρμένων ὠμολόγησε δώσειν, τριάκοντα δὲ μνᾶς ἐδεῖτό μου

## AGAINST APATURIUS, 3-6

Apaturius has made a false charge against me, and is suing me contrary to law, seeing that there had been a release and discharge from all contracts made between him and me, and there exists no other contract made with him by me whether for business by sea or on land, I have entered the special plea that the action is not maintainable, according to the following laws.

### THE LAWS

That Apaturius, then, has instituted suit against 4 me contrary to these laws and that his charges are false, I shall show you by many proofs. I, men of the jury, have by now been for a long time engaged in foreign trade, and up to a certain time risked the sea in my own person; it is not quite seven years since I gave up voyaging, and, having a moderate capital, I try to put it to work by making loans on adventures overseas. As I have visited many places 5 and spend my time in your exchange, I know most of those who are seafarers, and with these men from Byzantium I am on intimate terms through having myself spent much time there. My position, then, was such as I have described, when this fellow put into our port with a fellow-countryman of his, named Parmeno, a Byzantine by birth, who was an exile from his country. The plaintiff and Parmeno came up to me 6 on the exchange and spoke about money. It happened that the plaintiff owed forty minae on his ship, and his creditors were pressing him hard with demands for their money, and were about to board the ship and take possession of it, as his note was overdue. While he was in this embarrassment, Parmeno agreed to give him ten minae, and the plaintiff asked me to

## DEMOSTHENES

οὗτος συνευπορήσαι, αἰτιώμενος τοὺς χρήστας ἐπι-  
 θυμοῦντας τῆς νεὸς διαβεβληκέναι αὐτὸν ἐν τῷ  
 ἐμπορίῳ, ἵνα κατάσχωσι τὴν ναῦν εἰς ἀπορίαν κατα-  
 7 στήσαντες τοῦ ἀποδοῦναι τὰ χρήματα. ἐμοὶ μὲν  
 οὖν οὐκ ἔτυχε παρὸν ἀργύριον, χρώμενος δ' Ἑρα-  
 κλείδῃ τῷ τραπεζίτῃ, ἔπεισα αὐτὸν δανεῖσαι τὰ  
 χρήματα λαβόντα ἐμὲ ἐγγυητὴν. ἤδη δὲ τῶν τριά-  
 κοντα μνῶν πεπορισμένων, ἔτυχε προσκεκρουκῶς  
 τι τούτῳ ὁ Παρμένων· ὠμολογηκῶς δ' εὐπορή-  
 σειν αὐτῷ δέκα μνᾶς, καὶ τούτων δεδωκῶς τὰς  
 τρεῖς, διὰ τὸ προειμένον ἀργύριον ἠναγκάζετο  
 8 καὶ τὸ λοιπὸν διδόναι. αὐτὸς μὲν οὖν διὰ τοῦτ' οὐκ  
 ἐβούλετο ποιήσασθαι τὸ συμβόλαιον, ἐμὲ δ' ἐκέλευε  
 πράξαι ὅπως αὐτῷ ὡς ἀσφαλέστατα ἔξει. λαβὼν  
 δ' ἐγὼ τὰς ἑπτὰ μνᾶς παρὰ τοῦ Παρμένοντος, καὶ  
 τὰς τρεῖς, ἃς προειλήφει οὗτος παρ' ἐκείνου, ἀν-  
 ομολογησάμενος πρὸς τοῦτον, ὠνὴν ποιοῦμαι τῆς  
 νεὸς καὶ τῶν παίδων, ἕως ἀποδοῖη τὰς τε δέκα  
 μνᾶς, ἃς δι' ἐμοῦ ἔλαβε, καὶ τὰς τριάκοντα, ὧν  
 [895] κατέστησεν ἐμὲ ἐγγυητὴν τῷ τραπεζίτῃ. καὶ ὡς  
 ἀληθῆ λέγω, ἀκούσατε τῶν μαρτυριῶν.

### ΜΑΡΤΥΡΙΑΙ

9 Τὸν μὲν τρόπον τοῦτον ἀπήλλαξε τοὺς χρήστας  
 Ἀπατούριος οὔτοσί. οὐ πολλῷ δὲ χρόνῳ μετὰ  
 ταῦτα τῆς τραπέζης ἀνασκευασθείσης, καὶ τοῦ  
 Ἑρακλείδου κατ' ἀρχὰς κεκρυμμένου, ἐπιβουλεύει  
 οὔτοσί τοὺς τε παῖδας ἐκπέμψαι Ἀθήνηθεν καὶ τὴν  
 ναῦν ἐξορμίσαι ἐκ τοῦ λιμένος. ὅθεν ἐμοὶ πρὸς  
 τοῦτον ἡ πρώτη διαφορά ἐγένετο. αἰσθόμενος γὰρ  
 ὁ Παρμένων, ἐξαγομένων τῶν παίδων ἐπιλαμβά-  
 206

## AGAINST APATURIUS, 6-9

contribute thirty minae, charging that the creditors in their eagerness to secure the ship had slandered him on the exchange, that they might seize the ship by putting him in a position where he could not pay. I<sup>7</sup> happened to have no ready money in hand, but being acquainted with Heraeleides, the banker, I persuaded him to lend the money, and to take me as surety. But when now the thirty minae had been procured, Parmeno happened to fall out with the plaintiff. However, seeing that he had agreed to furnish him with ten minae and had already given him three of them, he was compelled on account of the money he had given to pay the remainder as well. Not wishing,<sup>8</sup> however, for the reason given, to make the loan in his own name, he bade me to arrange it so that things should be as safe as possible for him. So I took over the seven minae from Parmeno, and having had transferred to myself the obligation for the three, which the plaintiff had already received from him, caused a bill of sale to be executed on the ship and the slaves until such time as he should repay me the ten minae, which he had received through me, and also the thirty for which he had made me his surety with the banker. In proof that my words are true, hear the depositions.

### THE DEPOSITIONS

In this way, then, Apaturius here got rid of his<sup>9</sup> creditors. Not long after this, the bank having failed, and Heraeleides for a time having gone into hiding, the plaintiff schemed to send the slaves from Athens, and to remove the ship from the harbour. This was the cause of my first quarrel with him. For Parmeno, learning of the fact, laid hands on the slaves as they

## DEMOSTHENES

νεται καὶ τὴν ναῦν κατεκώλυσεν αὐτὸν ἐξορμίζειν,  
 10 καὶ μεταπεμφάμενος ἐμὲ λέγει τὸ πρᾶγμα. ὡς δ'  
 ἤκουσα, τοῦτον μὲν ἀνοσιώτατον ἠγησάμην εἶναι  
 τῷ ἐπιχειρήματι, ἐσκοπούμην δὲ ὅπως αὐτός τε  
 ἀπολυθήσομαι τῆς ἐγγύης τῆς ἐπὶ τὴν τράπεζαν,  
 καὶ ὁ ξένος μὴ ἀπολεῖ ἅ δι' ἐμοῦ τούτῳ ἐδάνεισεν.  
 καταστήσας δὲ φύλακας τῆς νεώς, διηγησάμην τοῖς  
 ἐγγυηταῖς τῆς τραπέζης τὴν πράξιν, καὶ παρέδωκα  
 τὸ ἐνέχυρον, εἰπὼν αὐτοῖς ὅτι δέκα μναὶ ἐνεΐησαν  
 τῷ ξένῳ ἐν τῇ νηί. ταῦτα δὲ πράξας κατηγγύησα  
 11 τοὺς παῖδας, ἵν' εἴ τις ἔκδεια γίγνοιτο, τὰ ἑλλεί-  
 ποντα ἐκ τῶν παίδων εἶη. καὶ ἐγὼ μὲν ἐπειδὴ  
 ἔλαβον τοῦτον ἀδικοῦντα, διωρθωσάμην ὑπὲρ ἐμαν-  
 τοῦ καὶ τοῦ ξένου· ὁ δ' ὥσπερ ἀδικούμενος, ἀλλ'  
 οὐκ ἀδικῶν ἐμέμφετό μοι, καὶ ἠρώτα εἰ οὐχ ἰκανόν  
 μοι εἶη αὐτῷ ἀπολυθῆναι τῆς ἐγγύης τῆς πρὸς τὴν  
 τράπεζαν, ἀλλὰ καὶ ὑπὲρ τοῦ ἀργυρίου τοῦ Παρ-  
 μένοντος τὴν ναῦν κατεγγυῶ καὶ τοὺς παῖδας, καὶ  
 12 ὑπὲρ ἀνθρώπου φυγάδος ἀπεχθανοίμην αὐτῷ. ἐγὼ  
 [896] δὲ τὸν πιστεύσαντα ἐμαυτῷ τοσοῦτῳ ἔφην ἦττον ἂν  
 περιδεῖν, ὅσω φυγὰς ὦν καὶ ἀτυχῶν ἠδικεῖτο ὑπὸ  
 τούτου. πάντα δὲ ποιήσας καὶ εἰς πᾶσαν ἀπέχθειαν  
 τούτῳ ἐλθὼν, μόλις εἰσέπραξα τὸ ἀργύριον, πρα-  
 θείσης τῆς νεώς τετταράκοντα μνῶν, ὅσουπερ ἡ  
 θέσις ἦν. ἀποδοθεισῶν δὲ τῶν τριάκοντα μνῶν  
 ἐπὶ τὴν τράπεζαν καὶ τῶν δέκα τῷ Παρμένοντι,  
 ἐναντίον πολλῶν μαρτύρων τὰς τε συγγραφὰς  
 ἀνειλόμεθα, καθ' ἃς ἐδανείσθη τὰ χρήματα, καὶ

<sup>a</sup> The foreigner is, of course, Parmeno.



were being taken away, and prevented the sailing of the ship; then he sent for me, and told me of the affair. When I heard him, thinking this fellow a most 10 impious wretch because of his attempt, I set about considering how I might myself get free from my guaranty to the bank, and how the foreigner<sup>a</sup> might avoid the loss of the money he had lent this fellow through me. After stationing men to guard the ship I told the whole story to the sureties of the bank and turned the security over to them, telling them that the foreigner had a lien of ten minae on the ship. Having arranged this, I attached the slaves, in order that, if any shortage occurred, the deficiency might be made up by the proceeds of their sale. In this way, when 11 I found that Apaturius was a rascal, I set matters right in my own interest and in the interest of the foreigner. But Apaturius, as though the wrong was on my side, and not on his, made complaint to me, and asked if it were not enough for me to be released from my guaranty to the bank, without also attaching the ship and the slaves to secure his money for Parmeno, and thus making an enemy of himself in the interest of one who was an exile. I replied that, 12 when a man had put his trust in me, I was all the less inclined to leave him in the lurch, because, while he was an exile and in misfortune, he was being wronged by the plaintiff; and after I had done everything possible, and had incurred the utmost enmity on the part of this fellow, I with difficulty secured the money, the ship being sold for forty minae, the precise amount for which she was mortgaged. The thirty minae then having been paid back to the bank, and the ten minae to Parmeno, in the presence of many witnesses, we cancelled the bond in accordance with which the

## DEMOSTHENES

τῶν συναλλαγμάτων ἀφείμεν καὶ ἀπηλλάξαμεν ἀλλήλους, ὥστε μήτε τούτῳ πρὸς ἐμὲ μήτ' ἐμοὶ πρὸς τοῦτον πρᾶγμ' εἶναι μηδέν. καὶ ὡς ἀληθῆ λέγω, ἀκούσατε τῶν μαρτυριῶν.

### ΜΑΡΤΥΡΙΑΙ

- 13 Μετὰ ταῦτα τοίνυν ἐμοὶ μὲν οὔτε μείζον οὔτ' ἔλαττον πρὸς αὐτὸν συμβόλαιον γέγονεν· ὁ δὲ Παρμένων ἐδικάζετο τούτῳ τῶν τε πληγῶν ὧν ἔλαβεν ὑπὸ τούτου, ὅτε τῶν παίδων ἐξαγομένων ἐπελάβετο, καὶ ὅτι τοῦ εἰς Σικελίαν πλοῦ διὰ τοῦτον κατεκωλύθη. ἐνεστηκυίας δὲ τῆς δίκης, δίδωσιν ὁ Παρμένων ὄρκον τούτῳ περί τινων ἐγκλημάτων, καὶ οὗτος ἐδέξατο, ἐπιδιαθέμενος ἀργύριον, ἐὰν μὴ ὁμόση τὸν ὄρκον.

Καὶ ὅτι ἀληθῆ λέγω, λαβέ μοι τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 14 Δεξάμενος τοίνυν τὸν ὄρκον, εἰδὼς ὅτι πολλοὶ αὐτῷ συνείσονται ἐπιορκήσαντι, ἐπὶ μὲν τὸ ὁμόσαι οὐκ ἀπήντα, ὡς δὲ δίκη λύσων τὸν ὄρκον προσκαλεῖται τὸν Παρμένοντα. ἐνεστηκυῶν δ' αὐτοῖς [897] τῶν δικῶν, πεισθέντες ὑπὸ τῶν παρόντων εἰς ἐπιτροπὴν ἔρχονται, καὶ γράψαντες συνθήκας ἐπιτρέπουσιν ἐνὶ μὲν διαιτητῇ κοινῷ Φωκρίτῳ πολίτῃ αὐτῶν, ἕνα δ' ἐκάτερος παρεκαθίσασατο, οὗτος μὲν
- 15 Ἄριστοκλέα Ὁῆθεν, ὁ δὲ Παρμένων ἐμέ. καὶ συνέθεντο ἐν ταῖς συνθήκαις, εἰ μὲν τρεῖς ὄντες ὁμογνώμονες γενοίμεθα, ταῦτα κύρια εἶναι αὐτοῖς,

<sup>a</sup> A deme of the tribe Oeneis.

## AGAINST APATURIUS. 12-15

money had been lent, and mutually released and discharged one another from our engagements ; so that the plaintiff had nothing more to do with me, nor I with him. In proof that my words are true, hear the depositions.

### THE DEPOSITIONS

Since then I have had no business transaction with <sup>13</sup> the fellow, whether great or small, but Parmeno sued him for damages for the blows which he received from him when he laid hands on the slaves as they were being carried off, and because he had been prevented by him from making the voyage to Sicily. When the action had been instituted, Parmeno tendered an oath to Apaturius regarding some of his charges, and he accepted it, and furthermore made a deposit to be forfeited if he did not swear the oath.

In proof that my words are true, take the deposition.

### THE DEPOSITION

Having accepted the oath, since he was aware that <sup>14</sup> many would know that he had perjured himself, he did not present himself for the swearing, but, as though he could get free of the oath by an action, he summoned Parmeno into court. When both actions had been instituted, on the advice of persons present they proceeded to an arbitration, and after drawing up an agreement they submitted the matter to one common arbitrator, Phocritus, a fellow-countryman of theirs ; and each one appointed one man to sit with Phocritus, Apaturius choosing Aristocles of Oea,<sup>a</sup> and Parmeno choosing me. They agreed in <sup>15</sup> the articles that, if we three were of one mind, our decision should be binding on them, but, if not,

## DEMOSTHENES

εἰ δὲ μή, οἷς οἱ δύο γνοίησαν, τούτοις ἐπάναγκες εἶναι ἐμμένειν. συνθέμενοι δὲ ταῦτα, ἐγγυητὰς τούτων ἀλλήλοις κατέστησαν, οὗτος μὲν ἐκείνῳ τὸν Ἄριστοκλέα, ὁ δὲ Παρμένων τούτῳ Ἄρχιππον Μυρρινούσιον. καὶ τὸ μὲν πρῶτον ἐτίθεντο τὰς συνθήκας παρὰ τῷ Φωκρίτῳ, εἶτα κελεύσαντος τοῦ Φωκρίτου παρ' ἄλλῳ τινὶ θέσθαι, τίθενται παρὰ τῷ Ἄριστοκλεῖ.

Καὶ ὡς ἀληθῆ λέγω, ἀκούσατε τῶν μαρτυριῶν.

### ΜΑΡΤΥΡΙΑΙ

- 16 Ὅτι μὲν ἐτέθησαν αἱ συνθήκαι παρ' Ἄριστοκλεῖ καὶ ἡ ἐπιτροπὴ ἐγένετο Φωκρίτῳ καὶ Ἄριστοκλεῖ καὶ ἐμοί, οἱ εἰδότες ταῦτα μεμαρτυρήκασιν ὑμῖν. δέομαι δέ, ὦ ἄνδρες δικασταί, τὰ μετὰ ταῦτα πραχθέντ' ἀκούσαί μου· ἐντεῦθεν γὰρ ἔσται φανερόν ὑμῖν, ὅτι συκοφαντοῦμαι ὑπὸ τουτουὶ Ἀπατουρίου. ἐπειδὴ γὰρ ἦσθετο ὁμογνώμονας ὄντας ἐμέ καὶ τὸν Φώκριτον, καὶ ἔγνω καταδαιτηήσοντας ἡμᾶς ἑαυτοῦ, λῦσαι βουλόμενος τὴν ἐπιτροπὴν, διαφθεῖραι τὰς
- 17 συνθήκας ἐπεχείρησε μετὰ τοῦ ἔχοντος αὐτάς. καὶ ἦλθεν ἐπὶ τὸ ἀμφισβητεῖν, ὡς αὐτῷ δαιτητῆς εἶη ὁ Ἄριστοκλῆς, τὸν δὲ Φώκριτον καὶ ἐμέ οὐδενὸς κυρίου ἔφησεν εἶναι ἀλλ' ἢ τοῦ διαλυῖσαι. ἀγανακτήσας δὲ τῷ λόγῳ ὁ Παρμένων, ἠξίου τὸν
- [898] Ἄριστοκλέα ἐκφέρειν τὰς συνθήκας, οὐ πόρρω φάσκων εἶναι τὸν ἔλεγχον, εἴ τι κακουργοῖτο περὶ τὰ γράμματα· γεγραφέναι γὰρ αὐτὰ οἰκέτην ἑαυτοῦ.
- 18 ὁμολογήσας δ' ἐξοίσειν τὰς συνθήκας ὁ Ἄριστοκλῆς, ἐμφανεῖς μὲν οὐδέπω καὶ τήμερον ἐνήνοχεν,

<sup>a</sup> A deme of the tribe Pandionis.

## AGAINST APATURIUS, 15-18

then they should be bound to abide by what the two should determine. Having made this agreement, they appointed sureties for one another to guarantee its fulfilment. Apaturius appointed Aristocles, and Parmeno Archippus of Myrrhinus.<sup>a</sup> At the outset they deposited their agreement with Phocritus, but upon his bidding them to deposit it with someone else, they deposited it with Aristocles.

In proof that my words are true, hear the depositions.

### THE DEPOSITIONS

That the agreements were deposited with 16  
Aristocles, and that the arbitration was left with  
Phocritus, Aristocles and myself, has been testified to  
you by witnesses who know the facts. And now, men  
of the jury, I beg of you to hear from me what  
happened after this ; for from this it will be clear to  
you that this man Apaturius is making a claim upon  
me which is baseless and malicious. For when he  
saw that Phocritus and I were of one mind, and  
realized that we should give judgement against him,  
wishing to break down the arbitration, he sought, in  
collusion with the man who held them, to destroy  
the articles of agreement, and he proceeded to con- 17  
tend that Aristocles was his arbitrator, and declared  
that Phocritus and I were empowered to do nothing  
else than seek to bring about a reconciliation.  
Angered at this statement, Parmeno demanded of  
Aristocles that he produce the agreement, adding  
that if there had been any criminal meddling with  
the papers, proof of the fact would not be far to seek,  
for his own slave had written them. Aristocles 18  
promised that he would produce the articles, but up  
to this day has not brought them to light. He did

## DEMOSTHENES

εἰς δὲ τὴν ἡμέραν τὴν συγκειμένην ἀπαντήσας εἰς τὸ Ἡφαιστεῖον, προὔφασίζετο ὡς ὁ παῖς περιμένων αὐτὸν ἀπολωλεκὼς εἶη τὸ γραμματεῖον καθεύδων. ὁ δὲ ταῦτα κατασκευάζων ἦν Ἐρυξίας ὁ ἰατρός ὁ ἐκ Πειραιῶς, οἰκείως ἔχων τῷ Ἀριστοκλεῖ ὅσπερ καὶ ἐμοὶ τοῦ ἀγῶνος αἰτίος ἐστι, διαφόρως ἔχων.

Καὶ ὡς ἐσκήψατο ἀπολωλέναι ὁ Ἀριστοκλῆς, ἀκούσατε τῶν μαρτυριῶν.

### ΜΑΡΤΥΡΙΑΙ

- 19 Ἐντεῦθεν τοίνυν τὸ μὲν τῆς ἐπιτροπῆς ἐλέλυτο, ἠφανισμένων τῶν συνθηκῶν καὶ τῶν διαιτητῶν ἀντιλεγομένων· ἐπιχειροῦντες δὲ γράφειν ἑτέρας συνθήκας περὶ τούτων διηνέχθησαν, οὗτος μὲν ἀξιῶν τὸν Ἀριστοκλέα, ὁ δὲ Παρμένων τοὺς τρεῖς, οἷσπερ τὸ ἐξ ἀρχῆς ἢ ἐπιτροπῇ ἐγένετο. οὐ γραφειῶν δ' ἑτέρων συνθηκῶν, τῶν δ' ἐξ ἀρχῆς ἀφανισθειῶν, εἰς τοῦτ' ἦλθεν ἀναιδεΐας ὁ ἠφανικῶς τὰς συνθήκας, ὥστε εἰς ὧν ἀποφανεῖσθαι ἔφη τὴν δίαίταν. παρακαλέσας δ' ὁ Παρμένων μάρτυρας, ἀπέειπε τῷ Ἀριστοκλεῖ μὴ ἀποφαίνεσθαι παρὰ τὰς συνθήκας καθ' αὐτοῦ ἄνευ τῶν συνδιαιτητῶν.

Καὶ ὧν ἐναντίον ἀπέειπεν, ἀκούσατε τῆς μαρτυρίας.

### ΜΑΡΤΥΡΙΑ

- 20 Μετὰ ταῦτα τοίνυν τῷ Παρμένοντι συνέβη συμ-  
[899] φορὰ δεινὴ, ᾧ ἄνδρες δικασταί. οἰκοῦντος γὰρ αὐτοῦ ἐν Ὀφρυνείῳ διὰ τὴν οἴκοθεν φυγὴν, ὅτε ὁ

<sup>a</sup> The temple of Hephaestus: perhaps the well-preserved Doric structure commonly called the Theseum.

<sup>b</sup> A city in the Troad.

## AGAINST APATURIUS, 18-20

meet us on the appointed day at the Hephaestum,<sup>a</sup> but made the excuse that his slave while waiting for him had fallen asleep and lost the document. The man who concocted this plot was Eryxias, the physician from Peiraeus, an intimate friend of Aristocles, the same man who out of enmity toward me has also got up this action against me.

Now in proof that Aristocles pretended that he had lost the document, hear the depositions.

### THE DEPOSITIONS

After this the arbitration was done away with, the 19 articles of agreement having disappeared and the authority of the arbitrators being questioned. They did endeavour to draw up new articles about these matters, but could come to no agreement, as the plaintiff insisted on having Aristocles, and Parmeno the three to whom in the first instance the arbitration had been referred. Nevertheless, although no new articles had been drawn, and those originally drawn had been made away with, the man who had made away with them came to such a pitch of shamelessness that he declared he would in his own single person pronounce the award. Parmeno called witnesses to be present, and forbade Aristocles to pronounce an award against him, without his co-arbitrators, in defiance of the articles of agreement.

Hear the deposition of those in whose presence he thus forbade him.

### THE DEPOSITION

After this there befell Parmeno, men of the jury, a 20 dire misfortune. He was dwelling in Ophrynum<sup>b</sup> because of his being an exile from home, when the

## DEMOSTHENES

- σεισμὸς ἐγένετο ὁ περὶ Χερρόνησον, συμπεσοῦσης αὐτῷ τῆς οἰκίας ἀπώλοντο ἢ γυνὴ καὶ οἱ παῖδες. καὶ ὁ μὲν πυθόμενος τὴν συμφορὰν ᾤχετο ἐνθένδε ἀποπλέων· ὁ δ' Ἀριστοκλῆς, διαμαρτυραμένου τοῦ ἀνθρώπου ἐναντίον μαρτύρων, μὴ ἀποφαίνεσθαι καθ' αὐτοῦ ἄνευ τῶν συνδαιτητῶν, ἀποδημήσαντος τοῦ ἀνθρώπου διὰ τὴν συμφορὰν ἐρήμην κατ' αὐτοῦ
- 21 ἀπεφῆνατο τὴν δίαιταν. καὶ ἐγὼ μὲν καὶ ὁ Φώκριτος ἐν ταῖς αὐταῖς συνθήκαις γεγραμμένοι, ὅτι ἠμφεσβήτησεν οὗτος μὴ εἶναι ἡμᾶς δαιτητὰς αὐτῷ, ἐφύγομεν τὸ δαιτηῆσαι· ὁ δ' οὐ μόνον ἀμφισβητήθεις, ἀλλὰ καὶ ἀπορρηθὲν αὐτῷ, οὐδὲν ἤττον τὴν ἀπόφασιν ἐποιήσατο. ὁ οὐθ' ὑμῶν οὔτε τῶν ἄλλων Ἀθηναίων ὑπομείναι ἂν ποιῆσαι οὐδεῖς.
- 22 Ἄ μὲν οὖν περὶ τὴν ἀφάνισιν τῶν συνθηκῶν καὶ περὶ τὴν γνώσιν τῆς διαίτης Ἀπατουρίῳ καὶ τῷ δαιτητῇ πέπρακται, ἐάν ποτε σωθῆ ὁ ἠδίκημένος, δίκην παρ' αὐτῶν λήψεται· ἐπειδὴ δ' εἰς τοῦτο ἐλήλυθεν Ἀπατούριος ἀναιδείας, ὥστε κάμοι δικάζεται, ἐπιφέρων αἰτίαν ὡς ἀνεδεξάμην ἐκτεῖσειν, εἴ τι καταγνωσθεῖη τοῦ Παρμένοντος, καὶ φησιν ἐγγραφῆναι εἰς τὰς συνθήκας ἐμὲ ἐγγυητὴν, ὥσπερ προσήκει τοιαύτην αἰτίαν ἀπολύσασθαι, πρῶτον μὲν ὑμῖν μάρτυρας παρασχέσομαι, ὡς οὐκ ἠγγυησάμην ἐγὼ τὸν Παρμένοντα, ἀλλ' Ἀρχιππος Μυρρινούσιος, ἔπειτα πειράσομαι καὶ ἐκ τεκμηρίων τὴν ἀπολογίαν ποιήσασθαι, ὧ ἄνδρες δικασταί.
- 23 Πρῶτον μὲν οὖν τὸν χρόνον ἐμαυτῷ ἠγοῦμαι [900] μάρτυρα εἶναι τοῦ μὴ ἀληθὲς τὸ ἔγκλημα εἶναι. ἢ μὲν γὰρ ἐπιτροπὴ τούτῳ πρὸς τὸν Παρμένοντα



earthquake in the Chersonese occurred : and in the collapse of his house his wife and children perished. Immediately on hearing of the disaster he departed by ship from Athens. Aristocles, although the man had adjured him in the presence of witnesses not to pronounce judgement against him without his co-arbitrators, when Parmeno had left the country because of the disaster, pronounced an award against him by default. Phocritus and I, who were named 21 in the same articles, refused to participate in the award, because the plaintiff denied that in his view we were arbitrators : but Aristocles, whose authority was not only disputed, but who had expressly been forbidden to act, nevertheless made the declaration—a thing which not one of you and not one of all the other Athenians could have been induced to do.

For all that Apaturius and the arbitrator did in 22 connexion with the disappearance of the articles and the pronouncing of the award, the man wronged, if ever he comes safely back to Athens, will obtain satisfaction from them. But since Apaturius has come to such a pitch of shamelessness as to bring suit against me also, charging that I undertook to pay any sum that might be awarded against Parmeno, and since he declares that my name was entered in the articles as surety, I shall free myself from such a charge in the proper way ; I shall first bring forward witnesses to prove that it was not I who became surety for Parmeno, but Archippus of Myrrhinus : and I shall then undertake, men of the jury, to make my defence by circumstantial proofs.

In the first place, I hold that the time is a witness 23 for me to prove that the charge is groundless. For the agreement to arbitrate made by this fellow and

## DEMOSTHENES

τρίτον ἔτος γέγονε καὶ ἡ γνῶσις τοῦ Ἀριστοκλέους· αἱ δὲ λήξεις τοῖς ἐμπόροις τῶν δικῶν ἔμμηνοί εἰσιν ἀπὸ τοῦ βοηδρομιῶνος μέχρι τοῦ μουνιχιῶνος, ἵνα παραχρῆμα τῶν δικαίων τυχόντες ἀνάγωνται. εἰ δὴ τῇ ἀληθείᾳ ἐγγυητῆς ἦν τοῦ Παρμένοντος, διὰ τί πρῶτον μὲν οὐκ εὐθὺς τῆς γνώσεως γενομένης

24 ἐπράττετο τὴν ἐγγύην; οὐ γὰρ δὴ τοῦτό γ' αὐτῷ ἔνι εἰπεῖν, ὡς διὰ τὴν πρὸς ἐμὲ φιλίαν ὄκνει μοι ἀπεχθέσθαι. αὐτὸς γὰρ εἰσεπέπρακτο ὑπ' ἐμοῦ πρὸς ἔχθραν τὰς χιλίας δραχμὰς τὰς τοῦ Παρμένοντος, καὶ ὅτ' ἐξώρμιζε τὴν ναῦν ἐπιβουλεύων ἀποδρᾶναι καὶ ἀποστερηῆσαι τὸ ἐπὶ τὴν τράπεζαν χρέως, ἐκωλύθη ὑπ' ἐμοῦ. ὥστε εἰ ἦν ἠγγυημένος ἐγὼ τὸν Παρμένοντα, οὐκ ἂν τρίτῳ ἔτει ὕστερον, ἀλλ' εὐθὺς τότε εἰσέπραττεν ἂν με τὴν ἐγγύην.

25 Ἄλλὰ νῆ Δία εὐπόρως διέκειτο, ὥστ' ἐνεδέχετο αὐτῷ καὶ ὕστερον ἐπ' ἐμὲ ἐλθεῖν, τότε δ' ἀσχόλως εἶχε περὶ ἀναγωγὴν ὦν. ἀλλὰ δι' ἀπορίαν ἐξειστήκει τῶν ἑαυτοῦ καὶ τὴν ναῦν ἐπεπράκει. εἰ δ' ἄρ' ἐμποδὼν τι αὐτῷ ἐγένετο τοῦ μὴ εὐθὺς τότε δικάσασθαι, διὰ τί πέρυσιν ἐπιδημῶν, μὴ ὅτι δικάσασθαι, ἀλλ' οὐδ' ἐγκαλέσαι μοι ἐτόλμησεν; καίτοι προσῆκεν, εἰ ὁ μὲν Παρμένων ὠφλήκει αὐτῷ τὴν δίκην, ἐγὼ δ' ἐγγυητῆς ἦν, προσελθεῖν αὐτόν μοι ἔχοντα μάρτυρας καὶ ἀπαιτῆσαι τὴν ἐγγύην, εἰ μὴ πρῶπέρυσιν, ἐν τῷ ἐξελθόντι ἐνιαυτῷ· καὶ εἰ μὲν αὐτῷ ἀπεδίδουν, κομίσασθαι, εἰ δὲ μή, δικάζεσθαι.

<sup>a</sup> Roughly, from September to April, the period when the seas were closed, and the ships laid up in port.

Parmeno and the award of Aristocles took place two years ago; but merchants may bring action every month from Boëdromion to Munichion.<sup>a</sup> in order that they may obtain their rights without delay and put to sea. So, if I was in truth a surety for Parmeno, why did not Apaturius immediately after the award proceed to collect the sum guaranteed? It is not open to him to say that because of <sup>24</sup> his friendship for me he was loth to incur my enmity, for he had himself in utter unfriendliness been forced by me to pay the one thousand drachmae due to Parmeno; and when he was trying to get his ship out of the port in his plot to sneak away and to defraud the bank of what was due, it was I who prevented him. So, if I had become a surety for Parmeno, he would not have waited until two years afterward to exact the sum guaranteed, but would have proceeded to do so at once.

Ah, but he was well provided with funds, so that it <sup>25</sup> was open to him to proceed against me later on, and at the moment he had no time, as he was about to put to sea! On the contrary, he was in such straits that he had lost all his effects, and had sold his ship. And, if there really had been anything to prevent his immediately bringing suit against me, why, when he was in town last year, did he not dare, I will not say to bring suit, but even to make a demand? It was surely the proper course for him, if judgement had been given against Parmeno in his favour, and if I was the latter's surety, to come to me himself accompanied by witnesses, and to demand the amount guaranteed, if not the year before last, at any rate in the year just past; and then, if I proffered payment, to take his money, and, if I did not, to bring suit. For <sup>26</sup>

## DEMOSTHENES

- <sup>26</sup>  
[901] τῶν γὰρ τοιούτων ἐγκλημάτων πρότερον τὰς ἀπαι-  
τήσεις ποιοῦνται ἅπαντες ἢ δικάζονται. οὐκ ἔστι  
τοίνυν ὅστις μαρτυρήσει παραγενέσθαι, ὅπου οὗτος  
ἢ πέρυσιν ἢ πρωπέρυσιν ἐδικάσατο ἢ λόγον ὄντιν οὖν  
ἐποιήσατο πρὸς ἐμὲ περὶ ὧν νυνὶ μοι δικάζεται.  
“Ὅτι δ’ ἐπεδήμει πέρυσιν, ὅτε αἱ δίκαι ἦσαν, λαβέ-  
μοι τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 27 Λαβὲ δὴ μοι καὶ τὸν νόμον, ὃς κελεύει τὰς  
ἐγγύας ἐπετείους εἶναι. καὶ οὐκ ἰσχυρίζομαι τῷ  
νόμῳ, ὡς οὐ δεῖ με δίκην δοῦναι εἰ ἠγγυησάμην,  
ἀλλὰ μάρτυρά μοι φημι τὸν νόμον εἶναι τοῦ μὴ  
ἐγγυήσασθαι καὶ αὐτὸν τοῦτον· ἐδεδίκαστο γὰρ  
ἂν μοι τῆς ἐγγύης ἐν τῷ χρόνῳ τῷ ἐν τῷ νόμῳ  
γεγραμμένῳ.

### ΝΟΜΟΣ

- 28 Γενέσθω τοίνυν καὶ τοῦτο ὑμῖν τεκμήριον τοῦ  
ψεύδεσθαι Ἀπατούριον· εἰ γὰρ ἠγγυησάμην ἐγὼ  
τούτῳ τὸν Παρμένοντα, οὐκ ἔστιν ὅπως τούτῳ μὲν  
ὑπὲρ ἐκείνου ἀπηχθανόμην, πρόνοιαν ποιούμενος  
ὅπως μὴ ἀπολεῖ ἃ δι’ ἐμοῦ τούτῳ συνέβαλεν, αὐτὸς  
δ’ ἐμαυτὸν περιεῖδον ἂν ὑπ’ ἐκείνου πρὸς τοῦτον  
ἐν ἐγγύῃ καταλειπόμενον. τίνα γὰρ ἐλπίδα ἔσχον  
τοῦτον ἀποσχέσεσθαι μου, ὃν αὐτὸς ἠναγκάκειν  
ἐκείνῳ τὰ δίκαια ποιῆσαι; καὶ τὴν ἐγγύην αὐτὸν  
εἰσπράξας τὴν εἰς τὴν τράπεζαν πρὸς ἀπέχθειαν, τί  
προσεδόκων ὑπὸ τούτου αὐτὸς πείσεσθαι;

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<sup>a</sup> That is, they become invalid, if not renewed at the end of a year.

## AGAINST APATURIUS, 26-28

in claims of this sort everyone makes demand before he brings suit. Well, there isn't a person living who will testify that he was present either last year or the year before, when this man either instituted proceedings against me or made any mention to me whatever of the claims for which he is now suing me.

To prove that he was in town last year when the courts were open, please take the deposition.

### THE DEPOSITION

Now, please take the law which declares that 27 guaranties shall be for a year only.<sup>a</sup> I do not lay stress on the law to show that I should not pay what is due, if I actually became a surety, but I declare that the law is a witness that I did not become one, and so is the fellow himself; for otherwise he would have brought suit against me within the time specified by the law.

### THE LAW

Let this, then, be another proof to you that 28 Apaturius is lying. If I had become surety to him for Parmeno, it is inconceivable that I should have made the plaintiff my enemy for Parmeno's sake, taking every care that the latter should not lose what he had lent the plaintiff through me, and yet have allowed myself to be left in the lurch by him as his surety to the plaintiff. For what ground had I to hope that leniency would be shown me by the man whom I had compelled to do justice to Parmeno? And when I had made him my enemy by exacting from him what was guaranteed to the bank, what treatment could I myself have expected to receive at his hands?

## DEMOSTHENES

- 29 "Αξιον τοίνυν καὶ τοῦτ' ἐνθυμηθῆναι, ὧ ἄνδρες δικασταί, ὅτι οὐκ ἂν ποτε ἕξαρνος ἐγενόμην, εἰ ἡγγυήμην· πολὺ γὰρ ὁ λόγος ἦν μοι ἰσχυρότερος, ὁμολογοῦντι τὴν ἐγγύην ἐπὶ τὰς συνθήκας ἰέναι, καθ' ἃς ἡ ἐπιτροπὴ ἐγένετο. ὅτι μὲν γὰρ τρισὶν ἐπετράπη διαιτηταῖς, μεμαρτύρηται ὑμῖν· ὅποτε [902] δὲ μὴ ἔγνωσται ὑπὸ τῶν τριῶν, τί βουλόμενος ἦρνούμην ἂν τὴν ἐγγύην; μὴ γὰρ γενομένης τῆς γνώσεως κατὰ τὰς συνθήκας, οὐδ' ἂν ἐγὼ τῆς ἐγγύης ὑπόδικος ἦν. ὥστε οὐκ ἂν ποτε, ὧ ἄνδρες δικασταί, παραλιπὼν τὴν οὐσάν μοι ἀπολογίαν, εἰ ἡγγυησάμην, ἐπὶ τὸ ἀρνεῖσθαι ἦλθον.
- 30 Ἄλλὰ μὴν καὶ τοῦτο μεμαρτύρηται ὑμῖν, ὅτι ἐπειδὴ ἠφανίσθησαν αἱ συνθήκαι ὑπὸ τούτων, ἐζήτουν ἑτέρας γράφεσθαι οὗτος καὶ ὁ Παρμένων, ὡς ἀκύρων ὄντων αὐτοῖς τῶν πρότερον ὡμολογημένων. καίτοι ὅποτε περὶ τῆς μελλούσης γνώσεως γενήσεσθαι ἑτέρας ἐνεχείρουν συνθήκας γράφεσθαι, ἐπειδὴ αἱ ὑπάρχουσαι ἀπώλοντο, πῶς ἐνῆν μὴ γραφεισῶν συνθηκῶν ἑτέρων ἢ δίαιταν γενέσθαι ἢ ἐγγύην; περὶ αὐτοῦ γὰρ τούτου διενεχθέντες οὐκ ἔγραψαν ἕτερα γράμματα, ὁ μὲν ἀξιῶν ἓνα διαιτητὴν αὐτῷ εἶναι, ὁ δὲ τρεῖς. ὅποτε δ' αἱ μὲν ἐξ ἀρχῆς συνθήκαι ἠφανίσθησαν, καθ' ἃς ἐμέ φησι γενέσθαι ἐγγυητὴν, ἕτεραι δὲ μὴ ἐγράφησαν, πῶς ὀρθῶς ἂν ἐμοὶ δικάζοιτο, καθ' οὗ μὴ ἔχει παρασχεῖσθαι συνθήκας;

It is worth while also for you to bear this in mind, 29  
 men of the jury, that, if I had been surety, I should  
 never have denied it. For my argument was much  
 stronger, if I admitted the guaranty and appealed  
 to the agreement in accordance with which the arbi-  
 tration was to be held. That the matter was referred  
 to three arbitrators has been shown by testimony.  
 When, then, there had been no decision by the three,  
 why in the world should I have denied the guaranty ?  
 For, if judgement had not been given in accordance  
 with the agreement, neither should I have been open  
 to action for my guaranty. Therefore, men of the  
 jury, if I had really become a surety, I should not  
 have given up a defence which was at hand, and have  
 proceeded to deny the fact.

Again, the following fact has been testified to you 30  
 by witnesses, that, after the articles of agreement  
 had been made away with by these men, the plaintiff  
 and Parmeno sought to have new articles drawn up,  
 thus admitting that their former agreement was with-  
 out force. Yet, when they sought to have other  
 articles drawn in regard to the judgement that was  
 to be given, since the existing ones had been lost,  
 how was it possible that, if other articles were not  
 drawn, there could be either arbitration or guaranty ?  
 It was the fact that they disagreed upon this very  
 point that prevented their writing new articles,  
 Apaturius demanding that there should be one arbi-  
 trator, and Parmeno that there should be three.  
 But, since the original articles were made away with,  
 in accordance with which he alleges that I became a  
 surety, and other articles were not written, what  
 right has he to bring suit against me, against whom  
 he is able to produce no agreement ?

## DEMOSTHENES

- 31 Ἄλλὰ μὴν καὶ ὡς ἀπηγόρευεν ὁ Παρμένων τῷ Ἀριστοκλεῖ καθ' αὐτοῦ μὴ γινώσκειν ἄνευ τῶν συνδαιτητῶν, μεμαρτύρηται ὑμῖν. ὅταν δὴ ὁ αὐτὸς ἠφανικῶς φαίνεται τὰ γράμματα, καθ' ἃ ἔδει τὴν δίαιταν γενέσθαι, καὶ ἄνευ τῶν συνδαιτητῶν παρὰ τὴν ἀπόρρησιν φῆ δεδιηθηκέναι, πῶς ἂν τούτῳ τῷ ἀνθρώπῳ πιστεύσαντες δικαίως ἐμὲ ἀπολέσαιτε; σκέψασθε γὰρ τοῦτ', ὦ ἄνδρες δικασταί· εἰ μὴ ἐμὲ νυνί, ἀλλὰ τὸν Παρμένοντα ἐδίωκεν Ἀπατούριος οὐτοσί, εἰσπράττων τὰς εἴκοσι μνᾶς, [903] ἰσχυριζόμενος τῇ Ἀριστοκλέους γνώσει, ὁ δὲ Παρμένων παρῶν ἀπελογεῖτο ὑμῖν καὶ μάρτυρας παρείχετο, τοῦτο μὲν ὅτι οὐ μόνῳ τῷ Ἀριστοκλεῖ, 33 ἀλλὰ τρίτῳ ἐπέτρεψεν, εἶθ' ὅτι ἀπέειπεν αὐτῷ ἄνευ τῶν συνδαιτητῶν καθ' αὐτοῦ μὴ ἀποφαίνεσθαι, καὶ ὅτι ἀπολομένης αὐτῷ τῆς γυναικὸς καὶ τῶν παίδων ὑπὸ τοῦ σεισμοῦ, καὶ ἐπὶ τηλικαύτην συμφορὰν ἀπάραντος οἴκαδε, ὁ τὰς συνθήκας ἠφανικῶς ἐρήμην αὐτοῦ ἐν τῇ ἀποδημίᾳ κατέγνω τὴν δίαιταν, ἔστιν ὅστις ἂν ὑμῶν ταῦτα τοῦ Παρμένοντος ἀπολογουμένου, τὴν οὕτω παρανόμως γνωσθεῖσαν δίαιταν 34 κυρίαν ἔγνω εἶναι; μὴ γὰρ ὅτι ἀμφισβητουμένων ἀπάντων, ἀλλ' εἰ ἦσαν μὲν αἱ συνθήκαι, ὡμολογεῖτο δ' εἶς εἶναι ὁ δαιτητῆς Ἀριστοκλήης, μὴ ἀπέειπε δὲ ὁ Παρμένων αὐτῷ καθ' αὐτοῦ μὴ διαιτᾶν, ἀλλὰ συνέβη πρὶν τὴν ἀπόφασιν γενέσθαι τῆς διαίτης



## AGAINST APATURIUS, 31-34

Further, it has been testified to you by witnesses 31  
 that Parmeno forbade Aristocles to give judgement  
 against him without the concurrence of his co-arbitrators. When, therefore, it is shown that the same  
 person has made away with the document in accordance with the terms of which the arbitration was to  
 be made, and declares that he has made the decision without his co-arbitrators, and in defiance of the  
 notice forbidding him to do so, how can you with any fairness credit the fellow and condemn me?  
 Consider this, men of the jury: suppose it was not 32  
 against me, but against Parmeno, that this man  
 Apaturius were now taking action, seeking to recover  
 the twenty minae in reliance upon the judgement of  
 Aristocles; and that Parmeno was present and making  
 his defence, calling witnesses to prove that he  
 had turned the matter over to Aristocles, not as a  
 single arbitrator, but as one of three; that he had 33  
 forbidden him to announce a decision against him  
 without his co-arbitrators; and that, after his wife  
 and children had perished in the earthquake, and he  
 in the face of a disaster so appalling had sailed for  
 home, the man who had made away with the articles  
 of agreement announced a judgement against him by  
 default in his absence, is there a single one of you  
 who, when Parmeno had brought out these facts  
 in his defence, would have considered an award so  
 unjustly made to be valid? More than this; sup- 34  
 pose that not every point was under dispute; that  
 there were in existence articles of agreement; that  
 Aristocles was admittedly an arbitrator having sole  
 authority; that Parmeno had not forbidden him to  
 make the award; but that the calamity had befallen  
 the man before the announcement of the award;

## DEMOSTHENES

ἢ συμφορὰ τῷ ἀνθρώπῳ, τίς οὕτως ὤμός ἐστιν ἀντίδικος ἢ διαιτητής, ὃς οὐκ ἂν ἀνεβάλετο εἰς τὸ ἐπιδημῆσαι τὸν ἄνθρωπον; εἰ δ' ὁ Παρμένων εἰς λόγον καταστάς πανταχοῦ δικαιοτέρ' ἂν φαίνοιτο λέγων τούτου, πῶς ἂν ὀρθῶς ἐμοῦ καταγιγνώσκοιτε, ὧ τὸ παράπαν πρὸς τὸν ἄνθρωπον τουτουὶ μηδὲν συμβόλαιόν ἐστιν;

- 35 Ὅτι μὲν οὖν ἐγὼ μὲν ὀρθῶς τὴν παραγραφὴν πεποίημαι, Ἀπατούριος δὲ τὰ ψευδῆ ἐγκέκληκε καὶ παρὰ τοὺς νόμους τὴν λῆξιν πεποιήται, ἐκ πολλῶν οἶμαι ἐπιδεδείχθαι τοῦτο ὑμῖν, ὧ ἄνδρες δικασταί· τὸ δὲ κεφάλαιον, πρὸς ἐμὲ οὐδ' ἐπιχειρήσει λέγειν Ἀπατούριος ὡς συνθήκαί τινες
- [904] αὐτῷ εἰσίν. ὅταν δὲ λέγῃ ψευδόμενος, ὡς ἐν ταῖς πρὸς τὸν Παρμένοντα συνθήκαις ἐνεγράφη ἐγ-
- 36 γνητής, ἀπαιτεῖτε αὐτὸν τὰς συνθήκας. καὶ ἐνταῦθ' αὐτῷ ἀπαντᾶτε, ὅτι πάντες ἄνθρωποι, ὅταν πρὸς ἀλλήλους ποιῶνται συγγραφάς, τούτου ἕνεκα σημηνάμενοι τίθενται παρ' οἷς ἂν πιστεύσωσιν, ἔν, ἐάν τι ἀντιλέγωσιν, ἢ αὐτοῖς ἐπανελθοῦσιν ἐπὶ τὰ γράμματα, ἐντεῦθεν τὸν ἔλεγχον ποιήσασθαι περὶ τοῦ ἀμφισβητουμένου. ὅταν δ' ἀφανίσας τις τὰ κριβές, λόγῳ ἐξαπατᾶν πειρᾶται, πῶς ἂν δικαίως
- 37 πιστεύοιτο; ἀλλὰ νῆ Δία (τὸ ῥᾶστον τοῖς ἀδικεῖν καὶ συκοφαντεῖν προηρημένοις) μαρτυρήσει τις αὐτῷ κατ' ἐμοῦ. ἐάν οὖν ἐπισκῆψωμαι αὐτῷ, πόθεν τὴν ἀπόδειξιν ποιήσεται τοῦ ἀληθῆ μαρτυρεῖν; ἐκ τῶν συνθηκῶν; τοῦτο τοίνυν μὴ ἀναβαλλέσθω, ἀλλ' ἤδη φερέτω ὁ ἔχων τὰς συνθήκας. εἰ δ' ἀπολωλέναι φησί, πόθεν λάβω ἐγὼ

what adversary or what arbitrator would have been so cruel as not to postpone the case until the man returned to the country? Then, if Parmeno, coming to plead before you, should be judged in every point to speak with more justice than the plaintiff, how can you justly give judgement against me, who have absolutely no contract with this man?

That I, on my part, have made my special plea 35 with good right, and that Apaturius has lodged against me a claim that is baseless, and instituted a suit contrary to law, has, I think, been shown to you, men of the jury, by many proofs. The main point is this: Apaturius will not even attempt to say that he has any articles showing an agreement between us. When he falsely states that my name was written in as surety in the agreement made with Parmeno, demand of him the articles. Meet him on this ground: 36 that all men, when they make agreements with one another, seal the articles and deposit them with persons whom they can trust, for this very purpose, that, if a dispute arises between them, they may refer to the document and so settle the point at issue. But when a man, after doing away with the source of accurate knowledge, undertakes to deceive you with words, how can you with justice put any confidence in him? But perhaps some witness (for this 37 is the easiest course for those who have chosen to do wrong and to bring baseless charges) will testify for him against me. If, then, I take action against the witness, how will he prove that his testimony is true? By the articles of agreement? Well, then, let there be no delay about this; let the one who has them bring forward the articles at once. But if he says they have been lost, how, then, shall I find means of

## DEMOSTHENES

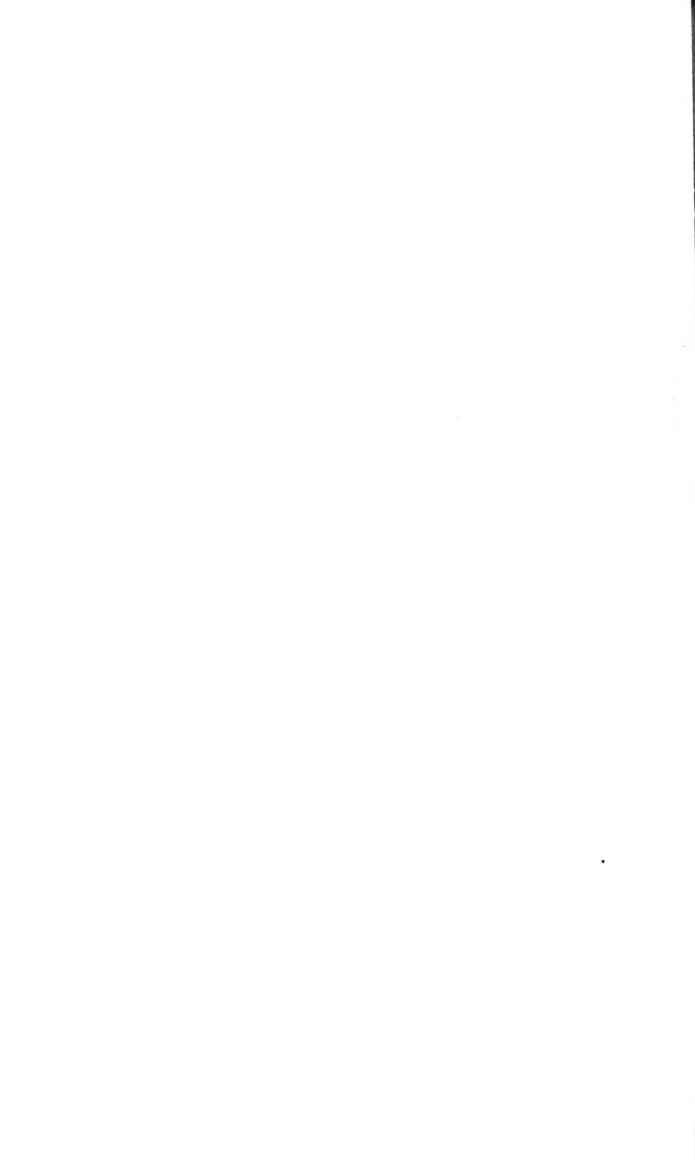
τὸν ἔλεγχον καταψευδομαρτυρηθεῖς; εἰ μὲν γὰρ  
 παρ' ἐμοὶ ἐτέθη τὸ γραμματεῖον, ἐνῆν ἂν αἰτιάσα-  
 σθαι Ἀπατουρίῳ, ὡς ἐγὼ διὰ τὴν ἐγγύην ἠφάνικα  
 38 τὰς συνθήκας· εἰ δὲ παρὰ τῷ Ἀριστοκλεῖ, διὰ τί,  
 εἴπερ ἄνευ τῆς τούτου γνώμης ἀπολώλασιν αἱ  
 συνθήκαι, τῷ μὲν λαβόντι αὐτὰς καὶ οὐ παρέχοντι  
 οὐ δικάζεται, ἐμοὶ δ' ἐγκαλεῖ, μάρτυρα παρ-  
 εχόμενος κατ' ἐμοῦ τὸν ἠφανικότα τὰς συνθήκας,  
 ᾧ προσῆκεν αὐτὸν ὀργίζεσθαι, εἴπερ μὴ κοινῇ μετὰ  
 τούτου ἐκακοτέχνει;

Εἴρηταί μοι τὰ δίκαια, ὅσα ἐδυνάμην. ὑμεῖς οὖν  
 κατὰ τοὺς νόμους γινώσκετε τὰ δίκαια.

## AGAINST APATURIUS, 37-38

refuting the false testimony brought against me? If the document had been deposited with me, it would have been open to Apaturius to charge that I had made away with it because of my guaranty; but, 38 if it was deposited with Aristocles, why is it, if the agreement has been lost without the plaintiff's knowledge, that instead of bringing suit against the man who received the agreement but does not produce it, he makes charges against me, bringing forward as a witness against me the man who made away with the agreement, against whom he ought to feel resentment, if it were not that they are leagued together in their evil scheming?

I have made a just plea to the best of my ability. Do you now give a just decision in accordance with the laws.



AGAINST PHORMIO





## INTRODUCTION

THE circumstances giving rise to the suit in which this oration was delivered were as follows. Chrysiippus, apparently an alien residing at Athens, had lent to Phormio, a merchant-trader, the sum of twenty minae on what is called a bottomry contract. The terms were that Phormio should convey a ship-load of goods to Bosphorus, in the Crimea, and, after disposing of his cargo there, should bring back a return cargo to Athens. From the profits of the venture he was to repay the loan with interest at 30 per cent. In the event of his failing to ship a return cargo he was to pay a fine of fifty minae; though it would seem that he had the option of paying the twenty-six minae (the amount of the loan and interest) to the shipowner, Lampis, in which case he was to be freed from the obligation to ship a return cargo. The rate of interest in such cases was always high, because in case of the loss of the vessel the lender could recover nothing; yet on account of the large importations of grain such contracts were very common on the Athenian exchange. (Compare Orations XXXII., XXXV., and LVI.)

It proved, however, that Phormio on his arrival at Bosphorus found it impossible to dispose of his cargo, and he ordered Lampis to return to Athens without him, stating that he would himself follow shortly.

## DEMOSTHENES

Lampis set out, but the vessel was wrecked; and Phormio after his own return to Athens claimed that this relieved him of all responsibility. Subsequently, however, he shifted his ground and claimed that he had paid to Lampis, before the latter left Pontus, the full amount due under the contract.

Lampis plays a sorry part in the whole affair. On his return to Athens he had told his story of the shipwreck, and had denied receiving the money from Phormio; but later on, when he appeared as a witness before the arbitrator, he had reversed his story and claimed that he must have been out of his mind when he made his previous statements, asserting now that Phormio had indeed paid him the money in Pontus, and that it had been lost with the wrecked ship.

Chrysippus, then, and his partner brought suit against Phormio to recover the amount due, and Phormio countered by entering a special plea (*παραγραφή*), asserting the action was not admissible, inasmuch as he (Phormio) had in no way violated the terms of the contract.

This matter was brought before the court. Phormio made his argument, and the present oration is a reply, delivered by the two plaintiffs, speaking in turn. Their contention is that the special plea in bar of action is inadmissible in this case, since the law expressly stated that all disputes regarding contracts made in connexion with shipments to or from Athens should be settled in the Athenian courts. They hold that Phormio's claim that the loss of the vessel freed him from his liability is invalid, since he had shipped no return cargo; and that his subsequent

## AGAINST PHORMIO

claim that he had paid the money to Lampis in Bosphorus is to be ruled out as wholly unworthy of credence.

This speech is discussed in Schaefer, iii.<sup>2</sup> pp. 300 ff., and in Blass, iii. pp. 576 ff.

## XXXIV

## ΠΡΟΣ ΦΟΡΜΙΩΝΑ ΠΕΡΙ ΔΑΝΕΙΟΥ

- [907] Δίκαια ὑμῶν δεησόμεθ', ὦ ἄνδρες δικασταί, ἀκοῦσαι ἡμῶν μετ' εὐνοίας ἐν τῷ μέρει λεγόντων, γνόντας ὅτι ἰδιῶται παντελῶς ἔσμεν, καὶ πολὺν χρόνον εἰς τὸ ὑμέτερον ἐμπόριον εἰσαφικνούμενοι καὶ συμβόλαια πολλοῖς συμβάλλοντες, οὐδεμίαν πώποτε δίκην πρὸς ὑμᾶς εἰσήλθομεν, οὔτ' ἐγκαλοῦντες οὔτ' ἐγκαλούμενοι ὑφ' ἑτέρων. οὐδ' ἂν νῦν, ἀκριβῶς ἴστε, ὦ ἄνδρες Ἀθηναῖοι, εἰ ὑπελαμβάνομεν ἀπολωλέναι τὰ χρήματα ἐπὶ τῆς νεῶς τῆς διαφθαρείσης, ἃ ἔδανείσαμεν Φορμίῳ, οὐκ ἂν ποτ' ἐλάχομεν τὴν δίκην αὐτῷ· οὐχ οὕτως ἡμεῖς ἀναίσχυντοί ἐσμεν οὐδ' ἄπειροι τοῦ ζημιοῦσθαι. πολλῶν δ' ἡμᾶς κακιζόντων, καὶ μάλιστα τῶν ἐν Βοσπόρῳ ἐπιδημησάντων ἅμα Φορμίῳ, οἷπερ τοῦτον ἤδεσαν οὐ συναπολέσαντα τὰ χρήματα ἐν τῇ νηί, δεινὸν ἡγούμεθ' εἶναι τὸ μὴ βοηθῆσαι ἡμῖν αὐτοῖς ἀδικουμένοις ὑπὸ τούτου.
- 3 Περὶ μὲν οὖν τῆς παραγραφῆς βραχὺς ἐστὶν ὁ λόγος· καὶ γὰρ οὗτοι οὐ τὸ παράπαν συμβόλαιον

<sup>a</sup> Others, less probably, render, "as we take our turns in addressing you."

## XXXIV

### THE PLEA OF CHRYSIPPUS AND HIS PARTNER AGAINST PHORMIO IN THE MATTER OF A LOAN

THE request that I shall make of you, men of the jury, is a fair one, that you should hear us with goodwill as we speak in our turn,<sup>a</sup> knowing well that we are wholly without experience in the art of speaking ; and long as we have been frequenting your mart, and many as are the merchants to whom we have made loans, we have never until now appeared in any suit before you either as plaintiffs or as defendants. And <sup>2</sup> you may be sure, men of Athens, that we should not even now have brought this action against Phormio, if we believed that the money which we lent him had been lost on the ship that was wrecked ; we are not so shameless nor so unaccustomed to losses. But as many have kept taunting us, and especially those who were in Bosphorus with Phormio, who knew that he had not lost the money together with the ship, we thought it a dreadful thing not to seek redress after being wronged as we had been by this man.

With reference to the special plea my argument is <sup>3</sup> a brief one. For even the defendants do not ab-

## DEMOSTHENES

- ἔξαρουῦνται μὴ γενέσθαι ἐν τῷ ἐμπορίῳ τῷ ὑμέ-  
 τέρῳ, ἀλλ' οὐκέτι εἶναί φασι πρὸς ἑαυτοὺς οὐδὲν  
 [908] συμβόλαιον, πεποιηκέναι γὰρ οὐδὲν ἔξω τῶν ἐν τῇ  
 4 συγγραφῇ γεγραμμένων. οἱ μέντοι νόμοι, καθ' οὓς  
 ὑμεῖς δικασταὶ κάθησθε, οὐχ οὕτω λέγουσιν, ἀλλ'  
 ὑπὲρ μὲν τῶν μὴ γενομένων ὅλως συμβολαίων  
 Ἀθήνησι μηδ' εἰς τὸ Ἀθηναίων ἐμπόριον παρα-  
 γράφεσθαι δεδώκασιν, ἐὰν δέ τις γενέσθαι μὲν  
 ὁμολογῇ, ἀμφισβητῇ δὲ ὡς πάντα πεποίηκε τὰ  
 συγκεκριμένα, ἀπολογεῖσθαι κελεύουσιν εὐθυδικίαν  
 εἰσιόντα, οὐ κατηγορεῖν τοῦ διώκοντος. οὐ μὴν  
 ἀλλ' ἔγωγε ἐλπίζω καὶ ἐξ αὐτοῦ τοῦ πράγματος  
 5 δεῖξιν εἰσαγώγιμον τὴν δίκην οὖσαν. σκέψασθε δ',  
 ὦ ἄνδρες Ἀθηναῖοι, τί ὁμολογεῖται παρ' αὐτῶν  
 τούτων καὶ τί ἀντιλέγεται· οὕτω γὰρ ἂν ἄριστα  
 ἐξετάσαιτε. οὐκοῦν δανείσασθαι μὲν ὁμολογοῦσι  
 καὶ συνθήκας ποιήσασθαι τοῦ δανείσματος, φασὶ  
 δ' ἀποδεδωκέναι τὸ χρυσίον Λάμπιδι τῷ Δίωνος  
 οἰκέτῃ ἐν Βοσπόρῳ. ἡμεῖς τοίνυν οὐ μόνον τοῦτο  
 δεῖξομεν, ὡς οὐκ ἀπέδωκεν, ἀλλ' ὡς οὐδ' ἦν αὐτῷ  
 ἀποδοῦναι. ἀναγκαῖον δ' ἐστὶ βραχέα τῶν ἐξ ἀρχῆς  
 διηγῆσασθαι ὑμῖν.
- 6 Ἐγὼ γάρ, ὦ ἄνδρες Ἀθηναῖοι, ἐδάνεισα Φορ-  
 μίῳνι τουτῶν ἐἴκοσι μνᾶς ἀμφοτερόπλου ἐἰς τὸν  
 Πόντον ἐπὶ ἑτέρα ὑποθήκῃ, καὶ συγγραφὴν ἐθέμην  
 παρὰ Κίττῳ τῷ τραπεζίτῃ. κελευούσης δὲ τῆς  
 συγγραφῆς ἐνθέσθαι εἰς τὴν ναῦν τετρακισχιλίων  
 φορτία ἄξια, πρᾶγμα ποιεῖ πάντων δεινότατον·

<sup>a</sup> The word rendered "exchange" or "market," may well designate merely the Peiraeus, which was in a very real sense the ἐμπόριον of Athens.

<sup>b</sup> As happened, of course, when a plea in bar of action was introduced.

## AGAINST PHORMIO, 3-6

solutely deny that a contract was made on your exchange <sup>a</sup>; but they claim that there exists no longer any obligation on their part due to the contract, for they have done nothing that contravenes the terms of the agreement. The laws, however, in accordance <sup>4</sup> with which you sit as jurors, do not use this language. They do indeed allow the production of a special plea when there has been no contract at all at Athens or for the Athenian market; but if a man admits that a contract was made, yet contends that he has done everything that the contract requires, they bid him to make a defence on the merits of the case, and not to make the plaintiff a defendant.<sup>b</sup> Not but that I hope to prove from the facts of the case itself that this suit of mine is admissible. And I beg you, men of <sup>5</sup> Athens, to consider what is admitted by these men, and what is disputed; for in this way you will best sift the question. They admit that they borrowed the money, and that they had contracts made to secure the loan; but they claim that they have paid the money to Lampis, the servant of Dio, in Bosphorus. We, on our part, shall prove, not only that Phormio did not pay it, but that it was actually impossible for him to pay it. But I must recount to you a few of the things that happened at the outset.

I, men of Athens, lent to this man, Phormio, twenty <sup>6</sup> minae for the double voyage to Pontus and back, on the security of goods of twice that value,<sup>c</sup> and deposited a contract with Cittus the banker. But, although the contract required him to put on board the ship goods to the value of four thousand drachmae, he did the most outrageous thing possible. For while still

<sup>c</sup> Such seems the most probable meaning of the disputed phrase.

## DEMOSTHENES

εὐθὺς γὰρ ἐν τῷ Πειραιεῖ ἐπιδανεῖζεται λάθρα ἡμῶν  
 παρὰ μὲν Θεοδώρου τοῦ Φοίνικος τετρακισχιλίας  
 πεντακοσίας δραχμάς, παρὰ δὲ τοῦ ναυκλήρου  
 7 Λάμπιδος χιλίας. δέον δ' αὐτὸν καταγοράσαι  
 [909] φορτία Ἀθήνηθεν μνῶν ἑκατὸν δέκα πέντε,<sup>1</sup> εἰ  
 ἔμελλε τοῖς δανεισταῖς πᾶσι ποιήσειν τὰ ἐν ταῖς  
 συγγραφαῖς γεγραμμένα, οὐ κατηγόρασεν ἀλλ' ἢ  
 πεντακισχιλίων καὶ πεντακοσίων δραχμῶν, σὺν τῷ  
 ἐπισιτισμῷ· ὀφείλει δ' ἑβδομήκοντα μνᾶς καὶ πέντε.  
 ἀρχὴ μὲν οὖν αὕτη ἐγένετο τοῦ ἀδικήματος, ᾧ  
 ἄνδρες Ἀθηναῖοι· οὔτε γὰρ τὴν ὑποθήκην παρέσχεν  
 οὔτε τὰ χρήματ' ἐνέθητ' εἰς τὴν ναῦν, κελευούσης  
 τῆς συγγραφῆς ἐπάναγκες ἐντίθεσθαι.

Καί μοι λαβὴ τὴν συγγραφὴν.

### ΣΥΓΓΡΑΦΗ

Λαβὴ δὴ καὶ τὴν τῶν πεντηκοστολόγων ἀπο-  
 γραφὴν καὶ τὰς μαρτυρίας.

### ΑΠΟΓΡΑΦΗ. ΜΑΡΤΥΡΙΑΙ

8 Ἐλθὼν τοίνυν εἰς τὸν Βόσπορον, ἔχων ἐπιστολὰς  
 παρ' ἐμοῦ, ἃς ἔδωκ' αὐτῷ ἀπενεγκεῖν τῷ παιδί τῷ  
 ἐμῷ παραχειμάζοντι ἐκεῖ καὶ κοινωνῶ τινί, γράψας  
 ἐν τῇ ἐπιστολῇ τό τε ἀργύριον ὃ ἐδεδανείκειν καὶ  
 τὴν ὑποθήκην, καὶ προστάξας, ἐπειδὰν τάχιστ' ἐξ-  
 αιρεθῇ τὰ χρήματα, ἐξετάζειν καὶ παρακολουθεῖν,  
 τὰς μὲν ἐπιστολὰς οὐκ ἀποδίδωσιν οὗτος<sup>2</sup> ἃς ἔλαβε

<sup>1</sup> δέκα πέντε] πενήκοντα Blass.

<sup>2</sup> οὗτος] αὐτοῖς Blass.

<sup>a</sup> If the loans were all made on the same basis (*i.e.* on the security of goods of a value twice as great as the loan) we should have to read one hundred and fifty instead of one hundred and fifteen, as the combined loans amounted to 240



## AGAINST PHORMIO, 6-8

in the Peiraeus he, without our knowledge, secured an additional loan of four thousand five hundred drachmae from Theodorus the Phoenician, and one of one thousand drachmae from Lampis the ship-owner. And, whereas he was bound to purchase at Athens a cargo worth one hundred and fifteen minae,<sup>a</sup> if he was to perform for all his creditors what was written in their agreements, he purchased only a cargo worth five thousand five hundred drachmae, including the provisions; while his debts were seventy-five minae. This was the beginning of his fraud, men of Athens; he neither furnished security, nor put the goods on board the ship, although the agreement absolutely bade him do so.

Take the agreement, please.

### THE AGREEMENT

Now take also the entry made by the customs-officers and the depositions.

### THE ENTRY OF THE CUSTOMS. THE DEPOSITIONS

When he came, then, to Bosphorus, having letters<sup>8</sup> from me, which I had given him to deliver to my slave, who was spending the winter there, and to a partner of mine,—in which letter I had stated the sum which I had lent and the security, and bade them, as soon as the goods should be unshipped, to inspect them and keep an eye on them,—the fellow did not deliver to them the letters which he had

seventy-five minae. It is possible, however, that Theodorus and Lampis, whose loans were for the outward voyage only, and who sailed with Phormio, accepted a lower rate than that demanded by Chrysippus and his partner, who remained in Athens.

## DEMOSTHENES

παρ' ἐμοῦ, ἵνα μηδὲν εἰδείησαν ὧν ἔπραττεν οὗτος, καταλαβὼν δ' ἐν τῷ Βοσπόρῳ μοχθηρὰ τὰ πράγματα διὰ τὸν συμβάντα πόλεμον τῷ Παιρισάδῃ πρὸς τὸν Σκύθην καὶ τῶν φορτίων ὧν ἤγε πολλὴν ἀπρασίαν, ἐν πάσῃ ἀπορία ἦν· καὶ γὰρ οἱ δανεισταὶ 9 εἶχοντο αὐτοῦ οἱ τὰ ἑτερόπλοα δανείσαντες. ὥστε τοῦ ναυκλήρου κελεύοντος αὐτὸν κατὰ τὴν συγγραφὴν ἐντίθεσθαι τὰ ἀγοράσματα τῶν ἐμῶν χρημάτων, εἶπεν οὗτος ὁ νῦν φάσκων ἀποδεδωκέναι τὸ χρυσίον, ὅτι οὐκ ἂν δύναίτο ἐνθέσθαι εἰς τὴν [910] ναῦν τὰ χρήματα· ἀπρατον γὰρ εἶναι τὸν ῥῶπον. κἀκείνον μὲν ἐκέλευεν ἀνάγεσθαι, αὐτὸς δ', ἐπειδὰν διαθῆται τὰ φορτία, ἐφ' ἑτέρας νεῶς ἔφη ἐκπλεύσεσθαι.

Καί μοι λαβὲ ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

10 Μετὰ ταῦτα τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, οὗτος μὲν ἐν τῷ Βοσπόρῳ κατελέλειπτο, ὁ δὲ Λάμπις ἀναχθεὶς ἐνανάγησεν οὐ μακρὰν ἀπὸ τοῦ ἐμπορίου· γεγεμισμένης γὰρ ἤδη τῆς νεῶς, ὡς ἀκούομεν, μᾶλλον τοῦ δέοντος, προσανέλαβεν ἐπὶ τὸ κατάστρωμα χιλίας βύρσας, ὅθεν καὶ ἡ διαφθορὰ τῆ νηὶ συνέβη. καὶ αὐτὸς μὲν ἀπεσώθη ἐν τῷ λέμβῳ μετὰ τῶν ἄλλων παίδων τῶν Δίωνος, ἀπώλεσε δὲ πλέον ἢ τριάκοντα σώματα ἐλεύθερα χωρὶς τῶν ἄλλων. πολλοῦ δὲ πένθους ἐν τῷ Βοσπόρῳ ὄντος, ὡς ἐπύθοντο τὴν διαφθορὰν τῆς νεῶς, ἠὺδαιμόνιζον

<sup>a</sup> The King of Pontus.

<sup>b</sup> The ms. reading is *τριακόσια* (300), but it is most unlikely

received from me, in order that they might know nothing of what he was doing; and, finding that business in Bosphorus was bad owing to the war which had broken out between Paerisades<sup>a</sup> and the Scythian, and that there was no market for the goods which he had brought, he was in great perplexity; for his creditors, who had lent him money for the outward voyage, were pressing him for payment. When, therefore, the shipowner bade him put on<sup>9</sup> board according to the agreement the goods bought with my money, this fellow, who now alleges that he has paid the debt in full, said that he could not ship the goods because his trash was unsalable; and he bade him put to sea, saying that he himself would sail in another ship as soon as he should dispose of the cargo.

Please take this deposition.

THE DEPOSITION

After this, men of Athens, the defendant was left<sup>10</sup> in Bosphorus, while Lampis put to sea, and was shipwrecked not far from the port; for although his ship was already overloaded, as we learn, he took on an additional deck-load of one thousand hides, which proved the cause of the loss of the vessel. He himself made his escape in the boat with the rest of Dio's servants, but he lost more than thirty<sup>b</sup> lives besides the cargo. There was much mourning in Bosphorus when they learned of the loss of the ship, and everybody deemed this Phormio lucky in that

that there were so many persons on board, unless this was a slave ship. Such an assumption, however, seems improbable, and does not accord well with the statement that there was much mourning in Bosphorus over the disaster.

## DEMOSTHENES

Φορμίωνα πάντες τουτονί, ὅτι οὔτε συνανήχθη οὔτ' ἐνέθετο εἰς τὴν ναῦν οὐδέν. συνέβαινε δὲ παρά τε τῶν ἄλλων καὶ παρά τούτου ὁ αὐτὸς λόγος.

Καί μοι ἀνάγνωθι ταύτας τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 11 Αὐτὸς τοίνυν ὁ Λάμπις, ᾧ φησιν ἀποδεδωκέναι τὸ χρυσίον (τούτῳ γὰρ προσέχετε τὸν νοῦν), προσελθόντος αὐτῷ ἐμοῦ, ἐπειδὴ τάχιστα κατέπλευσεν ἐκ τῆς ναυαγίας Ἀθήναζε, καὶ ἐρωτῶντος ὑπὲρ τούτων, ἔλεγεν ὅτι οὔτε τὰ χρήματα ἔνθοιτο εἰς τὴν ναῦν οὔτος κατὰ τὴν συγγραφὴν, οὔτε τὸ χρυσίον εἰληφὼς εἶη παρ' αὐτοῦ ἐν Βοσπόρῳ τότε.<sup>1</sup>

Καί μοι ἀνάγνωθι τὴν μαρτυρίαν τῶν παραγενομένων.

[911]

### ΜΑΡΤΥΡΙΑ

- 12 Ἐπειδὴ τοίνυν, ᾧ ἄνδρες Ἀθηναῖοι, ἐπεδήμησε Φορμίων οὔτος ἰσσεσωσμένος ἐφ' ἑτέρας νεώς, προσῆειν αὐτῷ ἀπαιτῶν τὸ δάνειον. καὶ οὔτος κατὰ μὲν ἀρχὰς οὐδεπώποτ', ᾧ ἄνδρες Ἀθηναῖοι, εἶπε τὸν λόγον τοῦτον ὃν νυνὶ λέγει, ἀλλ' αἰεὶ ὠμολόγει ἀποδώσειν· ἐπειδὴ δ' ἀνεκοινώσατο τοῖς νῦν παροῦσιν αὐτῷ καὶ συνδικουῦσιν, ἕτερος ἤδη ἦν καὶ οὐχ
- 13 ὁ αὐτός. ὡς δ' ἠσθόμην αὐτὸν διακρουόμενόν με, προσέρχομαι τῷ Λάμπιδι, λέγων ὅτι οὐδὲν ποιεῖ τῶν δικαίων Φορμίων οὐδ' ἀποδίδωσι τὸ δάνειον, καὶ ἅμα ἠρόμην αὐτὸν εἰ εἰδείη ὅπου ἐστίν, ἵνα προσκαλεσαίμην αὐτόν. ὁ δ' ἀκολουθεῖν μ' ἐκέλευεν ἑαυτῷ, καὶ καταλαμβάνομεν πρὸς τοῖς μυροπωλίοις

<sup>1</sup> τότε omitted by Blass.

## AGAINST PHORMIO, 10-13

he had not sailed with the others, nor put any goods on board the ship. The same story was told by the others and by Phormio himself.

Read me, please, these depositions.

### THE DEPOSITIONS

Lampis himself, to whom Phormio declares he 11 had paid the gold (pray note this carefully), when I approached him as soon as he had returned to Athens after the shipwreck and asked him about these matters, said that Phormio did not put the goods on board the ship according to our agreement, nor had he himself received the gold from him at that time in Bosphorus.

Read, please, the deposition of those who were present.

### THE DEPOSITION

Now, men of Athens, when this man Phormio 12 reached Athens, after completing his voyage in safety on another ship, I approached him and demanded payment of the loan. And at the first, men of Athens, he did not in any instance make the statement which he now makes, but always agreed that he would pay; but after he had entered into an agreement with those who are now at his side and are advocates with him, he was then and there different and not at all the same man. When I saw 13 that he was trying to cheat me, I went to Lampis and told him that Phormio was not doing what was right nor paying back the loan; and at the same time I asked him if he knew where Phormio was, in order that I might summon him. He bade me follow him, and we found the fellow at the perfumery shops;

## DEMOSTHENES

τουτονί· κἀγὼ κλητῆρας ἔχων προσεκαλεσάμην  
 14 αὐτόν. καὶ ὁ Λάμπις, ὦ ἄνδρες Ἀθηναῖοι, παρῶν  
 προσκαλουμένῳ μοι οὐδαμοῦ ἐτόλμησεν εἰπεῖν ὡς  
 ἀπειλήφε παρὰ τούτου τὸ χρυσίον, οὐδ' ὁ εἰκὸς ἦν  
 εἰπεῖν “ Χρῦσιππε, μαίνει· τί τοῦτον προσκαλεῖ;  
 ἐμοὶ γὰρ ἀποδέδωκε τὸ χρυσίον.” ἀλλὰ μὴ ὅτι  
 ὁ Λάμπις ἐφθέγξατο, ἀλλ' οὐδ' αὐτὸς οὗτος οὐδὲν  
 ἠξίωσεν εἰπεῖν, παρεστηκότος τοῦ Λάμπιδος, ὦ  
 15 νυνὶ φησιν ἀποδεδωκέναι τὸ χρυσίον. καίτοι εἰκὸς  
 γ' ἦν αὐτόν εἰπεῖν, ὦ ἄνδρες Ἀθηναῖοι, “ τί με  
 προσκαλεῖ, ἄνθρωπε; ἀποδέδωκα γὰρ τούτῳ τῷ  
 παρεστηκότι τὸ χρυσίον,” καὶ ἅμα ὁμολογοῦντα  
 παρέχειν τὸν Λάμπιν· νῦν δ' οὐδέτερος αὐτῶν οὐδ'  
 ὅτιοῦν εἶπεν ἐν τοιούτῳ καιρῷ.

Καὶ ὅτι ἀληθῆ λέγω, λαβέ μοι τὴν μαρτυρίαν  
 τῶν κλητῆρων.

[912]

### ΜΑΡΤΥΡΙΑ

16 Λαβέ δὴ μοι καὶ τὸ ἔγκλημα ὃ ἔλαχον αὐτῷ  
 πέρυσιν· ὃ ἐστὶν οὐδενὸς ἔλαττον τεκμήριον, ὅτι  
 οὐδέπω τότε ἔφησε Φορμίων ἀποδεδωκέναι τὸ  
 χρυσίον Λάμπιδι.

### ΕΓΚΛΗΜΑ

Τοῦτο τὸ ἔγκλημα ἔγραφον ἐγώ, ὦ ἄνδρες Ἀθη-  
 ναῖοι, οὐδαμόθεν ἄλλοθεν σκοπῶν, ἀλλ' ἢ ἐκ τῆς  
 ἀπαγγελίας τῆς Λάμπιδος, ὃς οὐκ ἔφασκεν οὔτε τὰ  
 χρήματα ἐντεθεῖσθαι τοῦτον οὔτε τὸ χρυσίον ἀπ-  
 ειληφέναι· μὴ γὰρ οἶεσθέ με οὕτως ἀπόπληκτον εἶναι  
 καὶ παντελῶς μαινόμενον, ὥστε τοιοῦτο γράφειν  
 246

## AGAINST PHORMIO, 13-16

and I, having witnesses with me, served the summons. Lampis, men of Athens, was close at hand when I did 14 this, yet he never ventured to say that he had received the money from Phormio, nor did he say, as he naturally would have done supposing his story to be true, "Chrysippus, you are mad. Why do you summon this man? He has paid me the money." And not only did Lampis not say a word, but neither did Phormio himself venture to say anything, although Lampis was standing by his side, to whom he now declares he had paid the money. Yet, men 15 of Athens, it would surely have been natural for him to say, "Why do you summon me, fellow? I have paid the money to this man who is standing here"—and at the same time to call upon Lampis to corroborate his words. As it was, however, neither of them uttered a syllable on an occasion so opportune.

In proof that my words are true, take, please, the deposition of those who witnessed the summons.

### THE DEPOSITION

Now take the complaint in the action which I 16 commenced against him last year, for this is the strongest possible proof that up to that time Phormio had never stated that he had paid the money to Lampis.

### THE COMPLAINT

This action I commenced, men of Athens, basing my complaint upon nothing else than the report of Lampis, who denied that Phormio had put the goods on board the ship or that he himself had received the money. Do not imagine that I am so senseless, so absolutely crazy, as to have drawn up a complaint

## DEMOSTHENES

ἔγκλημα ὁμολογοῦντος τοῦ Λάμπιδος ἀπειληθέναι τὸ χρυσίον ὑφ' οὗ ἔμελλον ἐξελεγχθῆσθαι.

- 17 "Ἐτι δ', ὦ ἄνδρες Ἀθηναῖοι, κακῆν σκέψασθε· αὐτοὶ γὰρ οὗτοι παραγραφὴν διδόντες πέρυσιν, οὐκ ἐτόλμησαν ἐν τῇ παραγραφῇ γράψαι ὡς ἀποδεδώκασι Λάμπιδι τὸ χρυσίον.

Καί μοι λαβὲ αὐτὴν τὴν παραγραφὴν.

### ΠΑΡΑΓΡΑΦΗ

Ἀκούετε, ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐδαμοῦ γέγραπται ἐν τῇ παραγραφῇ ὡς ἀποδέδωκε τὸ χρυσίον Φορμίων Λάμπιδι, καὶ ταῦτ' ἐμοῦ διαρρήδη γράψαντος εἰς τὸ ἔγκλημα ὃ ἠκούσατ' ἀρτίως, ὅτι οὔτε τὰ χρήματ' ἐνθόιτο εἰς τὴν ναῦν οὔτ' ἀπέδωκε τὸ χρυσίον. τίνα οὖν ἄλλον χρὴ περιμένειν ὑμᾶς μάρτυρα, ὅταν τηλικαύτην μαρτυρίαν παρ' αὐτῶν τούτων ἔχητε;

- 18 Μελλούσης δὲ τῆς δίκης εἰσιέναι εἰς τὸ δικαστήριον ἐδέοντο ἡμῶν ἐπιτρέψαι τινί· καὶ ἡμεῖς ἐπετρέψαμεν Θεοδότῳ ἰσοτελεῖ κατὰ συνθήκας. καὶ ὁ Λάμπις μετὰ ταῦτα νομίσας αὐτῷ ἀσφαλὲς ἤδη [913] εἶναι πρὸς διαιτητῇ μαρτυρεῖν ὃ τι βούλοιο, μερισάμενος τὸ ἐμὸν χρυσίον μετὰ Φορμίωνος τουτουί, 19 ἐμαρτύρει τάναντία οἷς πρότερον εἰρήκει. οὐ γὰρ ὁμοίον ἐστίν, ὦ ἄνδρες Ἀθηναῖοι, εἰς τὰ ὑμέτερα πρόσωπα ἐμβλέποντα τὰ ψευδῆ μαρτυρεῖν καὶ πρὸς διαιτητῇ· παρ' ὑμῖν μὲν γὰρ ὄργῃ μεγάλη καὶ τιμωρία ὑπόκειται τοῖς τὰ ψευδῆ μαρτυροῦσι, πρὸς δὲ τῷ διαιτητῇ ἀκινδύνως καὶ ἀναισχύντως μαρτυροῦσιν ὃ τι ἂν βούλωνται. ἀγανακτοῦντος δέ μου

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<sup>a</sup> The word is used of one who, though an alien, paid only  
248



## AGAINST PHORMIO, 16-19

like this, if Lampis (whose words would prove my contention false) admitted that he had received the money.

More than this, men of Athens, note another fact. 17  
These very men entered a special plea last year, but dared not assert in their plea that they had paid the money to Lampis.

Now, pray take the plea itself.

### THE SPECIAL PLEA

You hear, men of Athens. Nowhere in the plea is it stated that Phormio had paid the money to Lampis, though I had expressly written in the complaint, which you heard a moment ago, that Phormio had not put the goods on board the ship nor paid the money. For what other witness, then, should you wait, when you have so significant a piece of evidence from these men themselves?

When the suit was about to come into court, they 18  
begged us to refer it to an arbitrator; and we referred it by agreement to Theodotus, a privileged alien.<sup>a</sup> Lampis after that, thinking that it would now, before an arbitrator, be safe for him to testify just as he pleased, divided my money with this fellow Phormio, and then gave testimony the very opposite of what he had stated before. For it is not the same 19  
thing, men of Athens, to give false testimony while face to face with you and to do so before an arbitrator. With you heavy indignation and severe penalty await those who bear false witness; but before an arbitrator they give what testimony they please without risk and without shame. When I expostulated and the taxes paid by citizens without the addition of the special tax on aliens.

## DEMOSTHENES

καὶ σχετλιάζοντος, ὦ ἄνδρες Ἀθηναῖοι, ἐπὶ τῇ  
 20 τόλμῃ τοῦ Λάμπιδος, καὶ παρεχομένου πρὸς τὸν  
 διαιτητὴν τὴν αὐτὴν μαρτυρίαν ἥνπερ καὶ νῦν πρὸς  
 ὑμᾶς παρέχομαι, τῶν ἐξ ἀρχῆς προσελθόντων αὐτῷ  
 μεθ' ἡμῶν, ὅτε οὔτε τὸ χρυσίον ἔφη ἀπειληφέναι  
 παρὰ τούτου οὔτε τὰ χρήματ' αὐτὸν ἐνθέσθαι εἰς  
 τὴν ναῦν, οὔτως ὁ Λάμπις κατὰ κράτος ἐξελεγ-  
 χόμενος τὰ ψευδῆ μαρτυρῶν καὶ πονηρὸς ὢν,  
 ὡμολόγει μὲν εἰρηκέναι ταῦτα πρὸς τοῦτον, οὐ  
 μέντοι ἐντὸς γε ὢν εἰπεῖν αὐτοῦ.

Καὶ μοι ἀνάγνωθι ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 21 Ἀκούσας τοίνυν ἡμῶν, ὦ ἄνδρες Ἀθηναῖοι, ὁ  
 Θεόδοτος πολλάκις, καὶ νομίσας τὸν Λάμπιν ψευδῆ  
 μαρτυρεῖν, οὐκ ἀπέγνω τῆς δίκης, ἀλλ' ἀφήκεν  
 ἡμᾶς εἰς τὸ δικαστήριον· καταγνῶναι μὲν γὰρ οὐκ  
 ἐβουλήθη διὰ τὸ οἰκείως ἔχειν Φορμίῳνι τουτῷ,  
 ὡς ἡμεῖς ὕστερον ἐπυθόμεθα, ἀπογνῶναι δὲ τῆς  
 δίκης ὤκνει, ἵνα μὴ ἐπιорκήσειεν.
- 22 Ἐξ αὐτοῦ δὴ τοῦ πράγματος λογίσασθε, ὦ ἄνδρες  
 δικασταί, παρ' ὑμῖν αὐτοῖς, ὁπόθεν ἔμελλεν οὗτος  
 ἀποδώσειν τὸ χρυσίον. ἐνθένδε μὲν γὰρ ἐξέπλει οὐκ  
 [914] ἐνθέμενος εἰς τὴν ναῦν τὰ χρήματα καὶ ὑποθήκην  
 οὐκ ἔχων, ἀλλ' ἐπὶ τοῖς ἐμοῖς χρήμασιν ἐπιδανεισά-  
 μενος· ἐν Βοσπόρῳ δ' ἀπρασίαν τῶν φορτίων κατ-  
 ἔλαβε, καὶ τοὺς τὰ ἑτερόπλοα δανείσαντας μόλις

<sup>a</sup> I take the phrase πρὸς τοῦτον with εἰρηκέναι, assuming that the reference is to the partner of Chrysippus, who apparently takes the latter's place as speaker at the beginning of the next paragraph.

<sup>b</sup> It is commonly assumed that the second speaker begins

expressed strong indignation, men of Athens, at the effrontery of Lampis, and produced before the arbi- 20  
trator the same testimony as I now produce before you—that, namely, of the persons who at the first went to him with me, when he stated that he had not received the money from Phormio, and that Phormio had not put the goods on board the ship—Lampis, being so plainly convicted of bearing false witness and of playing the rogue, admitted that he had made the statement to my partner here,<sup>a</sup> but declared that he was out of his mind when he made it.

Now read me this deposition.

THE DEPOSITION

[*The partner of Chrysippus now speaks.*]

<sup>b</sup>Theodotus, men of Athens, after hearing us several 21  
times, and being convinced that Lampis was giving false testimony, did not dismiss the suit, but referred us to the court. He was loth to give an adverse decision because he was a friend of this man Phormio, as we afterwards learned, yet he hesitated to dismiss the suit lest he should himself commit perjury.

Now, in the light of the facts themselves, consider 22  
in your own minds, men of the jury, what means the man was likely to have for discharging the debt. He sailed from this port without having put the goods on board the ship, and having no adequate security; on the contrary, he had made additional loans on the credit of the money lent by me. In Bosphorus he found no market for his wares, and had difficulty in getting rid of those who had lent money for the outward

with this paragraph. In § 23 Chrysippus is referred to as *οὐτος*, so the fact of a change of speakers is patent.

## DEMOSTHENES

- 23 ἀπήλλαξεν. καὶ οὗτος μὲν ἐδάνεισεν αὐτῷ δισχιλίας  
 δραχμὰς ἀμφοτερόπλου, ὥστ' ἀπολαβεῖν Ἀθήνησι  
 δισχιλίας ἑξακοσίας δραχμὰς. Φορμίων δέ φησιν  
 ἀποδοῦναι Λάμπιδι ἐν Βοσπόρῳ ἑκατὸν καὶ εἴκοσι  
 στατηῆρας Κυζικηνοῦς (τούτῳ γὰρ προσέχετε τὸν  
 νοῦν) δανεισάμενος ἐγγείων τόκων. ἦσαν δὲ ἔφεκτοι  
 οἱ ἐγγειοὶ τόκοι, ὁ δὲ Κυζικηνὸς ἐδύνατο ἐκεῖ εἴκοσι  
 24 καὶ ὀκτὼ δραχμὰς Ἀπτικάς. δεῖ δὴ μαθεῖν ὑμᾶς  
 ὅσα φησὶ χρήματ' ἀποδεδωκέναι. τῶν μὲν γὰρ  
 ἑκατὸν εἴκοσι στατηῆρων γίνονται τρισχίλια τρια-  
 κόσια ἑξήκοντα, ὁ δὲ τόκος ὁ ἐγγεῖος ὁ ἔφεκτος  
 τῶν τριάκοντα μνῶν καὶ τριῶν καὶ ἑξήκοντα  
 πεντακόσια δραχμαὶ καὶ ἑξήκοντα· τὸ δὲ σύμπαν  
 25 κεφάλαιον γίνεταί τῶν καὶ τῶν. ἔστιν οὖν, ὡς  
 ἄνδρες δικασταί, οὗτος ὁ ἄνθρωπος ἢ γενήσεται  
 ποτε, ὃς ἀντὶ δισχιλίων ἑξακοσίων δραχμῶν τριά-  
 κοντα μνᾶς καὶ τριακοσίας καὶ ἑξήκοντα ἀποτίνειν  
 προείλετ' ἄν, καὶ τόκον πεντακοσίας δραχμὰς καὶ  
 ἑξήκοντα δανεισάμενος, ὥς φησιν ἀποδεδωκέναι  
 Φορμίων Λάμπιδι, τρισχιλίας ἑνακοσίας εἴκοσιν;  
 ἐξὸν δ' αὐτῷ ἀμφοτερόπλου Ἀθήνησιν ἀποδοῦναι  
 τὸ ἀργύριον, ἐν Βοσπόρῳ ἀπέδωκε, τρισὶ καὶ δέκα  
 26 μναῖς πλέον; καὶ τοῖς μὲν τὰ ἑτερόπλοια δανείσασι

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<sup>a</sup> The stater of Cyzicus (a town on the south shore of the Propontis, or sea of Marmora) was a coin made of electrum, an alloy of approximately three-quarters gold and one-quarter silver. It was nearly twice as heavy as the ordinary gold stater, which was worth twenty drachmae, and had a value (as stated in the text) of twenty-eight drachmae. The addition of the word "there" indicates that the value differed in different places according to the rate of exchange.

<sup>b</sup> That is, of course, the sum of the two items, or three thousand nine hundred and twenty drachmae. The total is

voyage. My partner here had lent him two thousand 23  
 drachmae for the double voyage on terms that he  
 should receive at Athens two thousand six hundred  
 drachmae ; but Phormio declares that he paid Lampis  
 in Bosphorus one hundred and twenty Cyzicene staters<sup>a</sup>  
 (note this carefully) which he borrowed at the interest  
 paid on loans secured by real property. Now inter-  
 est on real security was sixteen and two-thirds  
 per cent, and the Cyzicene stater was worth there  
 twenty-eight Attic drachmae. It is necessary that 24  
 you should understand how large a sum he claims to  
 have paid. A hundred and twenty staters amount  
 to three thousand three hundred and sixty drachmae,  
 and the interest at the land rate of sixteen and  
 two-thirds per cent on thirty-three minae and sixty  
 drachmae is five hundred and sixty drachmae,  
 and the total amount comes to so much.<sup>b</sup> Now, 25  
 men of the jury, is there a man, or will the man  
 ever be born, who, instead of twenty-six hundred  
 drachmae would prefer to pay thirty minae and three  
 hundred and sixty drachmae, and as interest five  
 hundred and sixty drachmae by virtue of his loan,  
 both which sums Phormio says he has paid Lampis,  
 in all three thousand nine hundred and twenty drach-  
 mae ? And when he might have paid the money  
 in Athens, seeing that it had been lent for the  
 double voyage, has he paid it in Bosphorus, and too  
 much by thirteen minae ? And to the creditors who 26  
 lent money for the outward voyage you had difficulty  
 not mentioned here, as it is given in the lines immediately  
 following. Note that the speaker inexactly speaks as if the  
 whole sum (including the interest) had been paid to Lampis  
 (according to Phormio's claim). The argument is, however,  
 valid, as the sum represents the cost to Phormio of paying  
 off the loan.

## DEMOSTHENES

μόλις τάρχαϊα ἀποδέδωκας, οἱ συνέπλευσάν σοι καὶ  
 προσήδρευον· τούτῳ δὲ τῷ μὴ παρόντι οὐ μόνον  
 [915] τάρχαϊα καὶ τοὺς τόκους ἀπεδίδους, ἀλλὰ καὶ τὰ  
 ἐπιτίμια τὰ ἐκ τῆς συγγραφῆς ἀπέτινες, οὐδεμιᾶς  
 27 σοι ἀνάγκης οὔσης; κακείνους μὲν οὐκ ἐδεδίεις,  
 οἷς αἱ συγγραφαὶ ἐν Βοσπόρῳ τὴν πρᾶξιν ἐδίδοσαν·  
 τούτου δὲ φῆς φροντίζειν, ὃν ἐξ ἀρχῆς εὐθύς ἠδίκηεις  
 οὐκ ἐνθέμενος τὰ χρήματ' εἰς τὴν ναῦν κατὰ τὴν  
 συγγραφὴν Ἀθήνηθεν; καὶ νῦν μὲν εἰς τὸ ἐμπόριον  
 ἤκων, οὗ τὸ συμβόλαιον ἐγένετο, οὐκ ὀκνεῖς ἀπο-  
 στερεῖν τὸν δανείσαντα· ἐν Βοσπόρῳ δὲ πλείω τῶν  
 δικαίων φῆς ποιεῖν, οὗ δίκην οὐκ ἔμελλες δώσειν;  
 28 καὶ οἱ μὲν ἄλλοι πάντες οἱ τὰ ἀμφοτερόπλαα δα-  
 νειζόμενοι, ὅταν ἀποστέλλωνται ἐκ τῶν ἐμπορίων,  
 πολλοὺς παρίστανται, ἐπιμαρτυρόμενοι ὅτι τὰ χρή-  
 ματα ἤδη κινδυνεύεται τῷ δανείσαντι· σὺ δ' ἐνὶ  
 σκήπτει μάρτυρι αὐτῷ τῷ συναδικοῦντι, καὶ οὔτε  
 τὸν παῖδα τὸν ἡμέτερον παρέλαβες ἐν Βοσπόρῳ  
 ὄντα οὔτε τὸν κοινωρόν, οὐδὲ τὰς ἐπιστολὰς ἀπ-  
 ἔδωκας αὐτοῖς, ἃς ἡμεῖς ἐπεθήκαμεν, ἐν αἷς ἐγέ-  
 29 γραπτο παρακολουθεῖν σοι οἷς ἂν πράττης; καίτοι,  
 ὦ ἄνδρες δικασταί, τί οὐκ ἂν πράξειεν ὁ τοιοῦτος,  
 ὅστις γράμματα λαβὼν μὴ ἀπέδωκεν ὀρθῶς καὶ  
 δικαίως; ἢ πῶς οὐ φανερόν ἐστιν ὑμῖν τὸ τούτου

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<sup>a</sup> We learn from § 33 that the contract entailed a penalty of five thousand drachmae in case a return cargo was not shipped, but of course payment could not have been exacted in Bosphorus. The speaker seems to identify the overpayment of one thousand three hundred and twenty drachmae with this penalty; but the "overpayment" represents almost exactly the amount of the money Lampis had loaned to Phormio, plus the thirty per cent interest. It is, of course, possible that the penalty of five thousand drachmae was to

in paying the principal, though they sailed with you and kept pressing you for payment ; yet to this man who was not present, you not only returned both principal and interest, but also paid the penalties arising from the agreement <sup>a</sup> though you were under no necessity of doing so ? And you had no fear of <sup>27</sup> those men, to whom their agreements gave the right of exacting payment in Bosphorus, but declare that you had regard for the claims of my partner, though you wronged him at the outset by not putting on board the goods according to your agreement in setting out from Athens ? And now that you have come back to the port where the loan was made, you do not hesitate to defraud the lender, though you claim to have done more than justice required in Bosphorus, where you were not likely to be punished ? All other <sup>28</sup> men who borrow for the outward and homeward voyage, when they are about to set sail from their several ports, take care to have many witnesses present, and call upon them to attest that the lender's risk begins from that moment <sup>b</sup> ; but you rely upon the single testimony of the very man who is your partner in the fraud. You did not bring as a witness my slave who was in Bosphorus or my partner, nor did you deliver to them the letters which we gave into your charge, and in which were written instructions that they should keep close watch on you in whatever you might do ! Why, men of Athens, what is there <sup>29</sup> which a man of this stamp is not capable of doing, who, after receiving letters, did not deliver them in due and proper course ? Or how can you fail to see be paid if Phormio neither shipped the goods nor paid Lampis, and the lesser sum if payment was made to Lampis without the shipment of a return cargo.

<sup>b</sup> That is, from the moment of sailing.

## DEMOSTHENES

κακούργημα ἐξ αὐτῶν ὧν ἔπραττεν; καίτοι, ὦ γῆ  
καὶ θεοί, προσῆκέ γε τοσοῦτο χρυσίον ἀποδιδόντα,  
καὶ πλεόν τοῦ δανείσματος, περιβόητον ποιεῖν ἐν  
τῷ ἐμπορίῳ, καὶ παρακαλεῖν πάντας ἀνθρώπους,  
πρῶτον δὲ τὸν παῖδα τὸν τούτου καὶ τὸν κοινωόν·  
30 ἴστε γὰρ δήπου πάντες, ὅτι δανείζονται μὲν μετ'  
ὀλίγων μαρτύρων, ὅταν δ' ἀποδιδῶσι, πολλοὺς  
παρίστανται μάρτυρας, ἵν' ἐπεικεῖς δοκῶσιν εἶναι  
[916] περὶ τὰ συμβόλαια. σοὶ δ' ἀποδιδόντι τό τε δάνειον  
καὶ τοὺς τόκους ἀμφοτέρους, ἑτερόπλῳ τῷ ἀργυρίῳ  
κεχρημένῳ, καὶ προστιθέντι ἑτέρας τρεῖσκαίδεκα  
μνᾶς, πῶς οὐχὶ πολλοὺς ἦν παραληπτέον μάρτυρας;  
καὶ εἰ τοῦτ' ἔπραξας, οὐδ' ἂν εἰς σοῦ μᾶλλον τῶν  
31 πλεόντων ἐθαυμάζετο. σὺ δ' ἀντὶ τοῦ πολλοὺς  
μάρτυρας τούτων ποιεῖσθαι πάντας ἀνθρώπους  
λανθάνειν ἐπειρῶ, ὥσπερ ἀδικῶν τι. καὶ εἰ μὲν  
ἐμοὶ τῷ δανείσαντι ἀπεδίδους, οὐδὲν ἂν ἔδει μαρ-  
τύρων· τὴν γὰρ συγγραφὴν ἀνελόμενος ἀπήλλαξο  
ἂν τοῦ συμβολαίου· νῦν δ' οὐκ ἐμοί, ἀλλ' ἑτέρῳ  
ὑπὲρ ἐμοῦ ἀποδιδούς, καὶ οὐκ Ἀθήνησιν, ἀλλ' ἐν  
Βοσπόρῳ, καὶ τῆς συγγραφῆς σοι κειμένης Ἀθή-  
νησι καὶ πρὸς ἐμέ, καὶ ᾧ τὸ χρυσίον ἀπεδίδους  
ὄντος θνητοῦ καὶ πέλαγος τοσοῦτον μέλλοντος  
πλεῖν, μάρτυρα οὐδέν' ἐποιήσω, οὔτε δοῦλον οὔτ'  
32 ἐλεύθερον. ἢ γὰρ συγγραφὴ με, φησί, τῷ ναυ-  
κλήρῳ ἐκέλευεν ἀποδοῦναι τὸ χρυσίον. μάρτυρας

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<sup>a</sup> This is best explained by assuming that the contract gave  
256



that his own acts prove his guilt? Surely (O Earth and the Gods) when he was paying back so large a sum, and more than the amount of his loan, it was fitting that he should make it a much talked of event on the exchange and to invite all men to be present; but especially the servant and partner of Chrysippus. For you all know, I fancy, that men borrow with few 30 witnesses, but, when they pay, they take care to have many witnesses present, that they may win a reputation for honesty in business dealings. But in your case, when you were paying back both the debt and the interest on both voyages, though you had used the money for the outward voyage only, and were adding thirteen minae besides, should you not have caused many witnesses to be present? Had you done so, there is not a single merchant who would have been held in higher esteem than you. But, as it was, 31 instead of securing many witnesses to these acts you did everything you could that none should know, as though you were committing some crime! Again, had you been making payment to me, your creditor, in person, there would have been no need of witnesses, for you would have taken back the agreement and so got rid of the obligation; whereas in making payment, not to me, but to another on my behalf, and not at Athens but in Bosphorus, when your agreement was deposited at Athens and with me, and when the man to whom you paid the money was mortal and about to undertake a voyage over such a stretch of sea, you called no one as a witness, whether slave or freeman. Yes, he says, for the agreement bade me pay the cash 32 to the shipowner.<sup>a</sup> But it did not prevent you from

Phormio the right to pay the money to Lampis in Bosphorus, if he did not ship a return cargo to Athens.

## DEMOSTHENES

δέ γ' οὐκ ἐκώλυε παραλαβεῖν, οὐδὲ τὰς ἐπιστολάς ἀποδοῦναι. καὶ οἷδε μὲν πρὸς σέ δύο συγγραφὰς ἐποιήσαντο ὑπὲρ τοῦ συμβολαίου, ὡς ἂν οἱ μάλιστ' ἀπιστοῦντες· σὺ δὲ μόνος μόνῳ φῆς δοῦναι τῷ ναυκλήρῳ τὸ χρυσίον, εἰδὼς κατὰ σοῦ κειμένην Ἀθήνησι συγγραφὴν πρὸς τοῦτον.

- 33 Λέγει δ' ὡς ἡ συγγραφὴ σωθείσης τῆς νεὼς αὐτὸν ἀποδοῦναι κελεύει τὰ χρήματα. καὶ γὰρ ἐνθέσθαι τὰγοράσματα εἰς τὴν ναῦν κελεύει σε, εἰ δὲ μή, πεντακισχιλίας δραχμὰς ἀποτίνειν. σὺ δὲ τοῦτο μὲν τῆς συγγραφῆς οὐ λαμβάνεις, παραβεβηκῶς δ' εὐθύς ἐξ ἀρχῆς καὶ τὰ χρήματα οὐκ [917] ἐνθέμενος, ἀμφισβητεῖς πρὸς ἓν ῥῆμα τῶν ἐν τῇ συγγραφῇ, καὶ τοῦτ' ἀνηρηκῶς αὐτός. ὁπότε γὰρ ἐν τῷ Βοσπόρῳ φῆς μὴ τὰ χρήματ' ἐνθέσθαι εἰς τὴν ναῦν, ἀλλὰ τὸ χρυσίον τῷ ναυκλήρῳ ἀποδοῦναι, τί ἔτι περὶ τῆς νεὼς διαλέγει; οὐ γὰρ μετέσχηκας
- 34 τοῦ κινδύνου διὰ τὸ μηδὲν ἐνθέσθαι. καὶ τὸ μὲν πρῶτον, ὦ ἄνδρες Ἀθηναῖοι, ὥρμησεν ἐπὶ ταύτην τὴν σκῆψιν, ὡς ἐντεθειμένος τὰ χρήματα εἰς τὴν ναῦν· ἐπειδὴ δὲ τοῦτο ἐκ πολλῶν ἔμελλεν ἐλεγχθῆσεσθαι ψευδόμενος, ἔκ τε τῆς ἀπογραφῆς τῆς ἐν Βοσπόρῳ παρὰ τοῖς ἐλλιμενισταῖς καὶ ὑπὸ τῶν ἐν τῷ ἐμπορίῳ ἐπιδημούντων κατὰ τὸν αὐτὸν χρόνον, τηνικαῦτα μεταβαλόμενος συνίσταται μετὰ τοῦ Λάμπιδος καὶ φησὶν ἐκείνῳ τὸ χρυσίον ἀποδεω-
- 35 κέναι, ἐφόδιον μὲν λαβὼν τὸ τὴν συγγραφὴν κελεύειν, οὐκ ἂν ἡγούμενος δ' ἡμᾶς εὐπόρως ἐλέγξει

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<sup>a</sup> The reference is not wholly clear. It may be that others  
258

summoning witnesses, or from delivering the letters ! The parties here present <sup>a</sup> drew up two agreements with you in the matter of the loan, showing that they greatly distrusted you, but you assert that without a single witness you paid the gold to the shipowner, although you well know that an agreement against yourself was deposited at Athens with my colleague here !

He says that the agreement bids him pay back the <sup>33</sup> money, "when the ship reaches port in safety." Yes, and it bids you also to put on board the ship the goods purchased, or else to pay a fine of five thousand drachmae. You ignore this clause in the agreement, but after having from the first violated its provisions by failing to put the goods on board, you raise a dispute about a single phrase in it, though you have by your own act rendered it null and void. For when you state that you did not put the goods on board in Bosphorus, but paid the cash to the shipowner, why do you still go on talking about the ship ? For you have had no share in the risk, since you put nothing on board. At first, men of Athens, he seized upon <sup>34</sup> this excuse, pretending that he had shipped the goods ; but when he saw that the falsity of this claim was likely to be exposed in many ways,—by the entry filed with the harbour-masters in Bosphorus, and by the testimony of those who were staying in the port at the same time—then he changes his tack, enters into a conspiracy with Lampis, and declares that he has paid him the money in cash, finding a support for <sup>35</sup> his plea in the fact that the agreement so ordered, and thinking that we should not find it easy to get

than Chrysippus and his partner had contributed to the sum lent to Phormio.

## DEMOSTHENES

ὅσα μόνοι πρὸς αὐτοὺς αὐτοὶ πράξειαν. καὶ ὁ Λάμπις, ὅσα μὲν εἶπε πρὸς ἐμὲ πρὶν ὑπὸ τούτου διαφθαρῆναι, οὐκ ἐντὸς ὧν αὐτοῦ φησιν εἰπεῖν· ἐπειδὴ δὲ τὸ χρυσίον τοῦμὸν ἐμερίσατο, τότε ἐντὸς εἶναί φησιν αὐτοῦ καὶ πάντ' ἀκριβῶς μνημονεύειν.

- 36 Εἰ μὲν οὖν, ὦ ἄνδρες δικασταί, ἐμοῦ μόνου κατεφρόνει Λάμπις, οὐδὲν ἂν ἦν θαυμαστόν· νῦν δὲ πολλῶ δεινότερα τούτου πέπρακται αὐτῷ πρὸς πάντας ὑμᾶς. κήρυγμα γὰρ ποιησαμένου Παιρισάδου ἐν Βοσπόρῳ, εἴαν τις βούληται Ἀθήναζε εἰς τὸ Ἀττικὸν ἐμπόριον σιτηγεῖν, ἀτελῆ τὸν σίτον ἐξάγειν, ἐπιδημῶν ἐν τῷ Βοσπόρῳ ὁ Λάμπις ἔλαβε τὴν ἐξαγωγὴν τοῦ σίτου καὶ τὴν ἀτέλειαν ἐπὶ τῷ τῆς πόλεως ὀνόματι, γεμίσας δὲ ναῦν μεγάλην
- [918] 37 σίτου ἐκόμισεν εἰς Ἀκανθὸν κακεῖ διέθετο ὁ κοινωνήσας τούτῳ ἀπὸ τῶν ἡμετέρων. καὶ ταῦτ' ἔπραξεν, ὦ ἄνδρες δικασταί, οἰκῶν μὲν Ἀθήνησιν, οὔσης δ' αὐτῷ γυναικὸς ἐνθάδε καὶ παίδων, τῶν δὲ νόμων τὰ ἔσχατα ἐπιτίμια προτεθηκότων, εἴ τις οἰκῶν Ἀθήνησιν ἄλλοσέ ποι σιτηγήσειεν ἢ εἰς τὸ Ἀττικὸν ἐμπόριον, ἔτι δ' ἐν τοιούτῳ καιρῷ, ἐν ᾧ ὑμῶν οἱ μὲν ἐν τῷ ἄστει οἰκοῦντες διεμετροῦντο τὰ ἄλφита ἐν τῷ ὠδείῳ, οἱ δ' ἐν τῷ Πειραιεῖ ἐν τῷ νεωρίῳ ἐλάμβανον κατ' ὀβολὸν τοὺς ἄρτους καὶ

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<sup>a</sup> Either the speaker was with Chrysippus at the time Lampis made this statement, or else Chrysippus is now again the speaker.

<sup>b</sup> A town in Chalcidicæ.

<sup>c</sup> We learn from Aristophanes, *Vespæ*, 1109, that the Odeum, built by Pericles as a music school, near the great theatre, was sometimes used as a law-court, and Pollux, viii. 33, states that suits concerning grain were decided there.

## AGAINST PHORMIO, 35-37

at the truth regarding all that they did by themselves alone. And Lampis declares that all that he said to me<sup>a</sup> before he was corrupted by this Phormio was spoken when he was out of his head; but as soon as he got a share of my money, he declares that he is in his right mind and remembers everything perfectly!

Now, men of the jury, if it were toward myself only<sup>36</sup> that Lampis were showing contempt, it would be nothing to cause surprise; but in reality he has acted far more outrageously than Phormio toward you all. For when Paerisades had published a decree in Bosphorus that whoever wished to transport grain to Athens for the Athenian market might export it free of duty, Lampis, who was at the time in Bosphorus, obtained permission to export grain and the exemption from duty in the name of the state; and having loaded a large vessel with grain, carried it to Acanthus<sup>b</sup> and there disposed of it,—he, who had made himself the partner of Phormio here with our money. And he did this, men of the jury,<sup>37</sup> though he was resident at Athens, and had a wife and children here, and although the laws have prescribed the severest penalties if anyone resident at Athens should transport grain to any other place than to the Athenian market; besides, he did this at a critical time, when those of you who dwelt in the city were having their barley-meal measured out to them in the Odeum,<sup>c</sup> and those who dwelt in Peiræus were receiving their loaves at an obol each in the dockyard and in the long-porch,<sup>d</sup> having

Compare Oration LIX. § 52. It is easy, therefore, to assume that distribution of grain may have been made there.

<sup>a</sup> The long-porch was a warehouse for grain in the Peiræus.

## DEMOSTHENES

ἐπὶ τῆς μακρᾶς στοᾶς τὰ ἄλφιστα, καθ' ἡμίεκτον μετρούμενοι καὶ καταπατούμενοι.

Καὶ ὅτι ἀληθῆ λέγω, λαβέ μοι τὴν τε μαρτυρίαν καὶ τὸν νόμον.

### ΜΑΡΤΥΡΙΑ. ΝΟΜΟΣ

- 38 Φορμίων τοίνυν τούτῳ χρώμενος κοινωνῶ καὶ μάρτυρι οἶεται δεῖν ἀποστερηῆσαι τὰ χρήμαθ' ἡμᾶς, οἳ γε σιτηγοῦντες διατετελέκαμεν εἰς τὸ ὑμέτερον ἐμπόριον, καὶ τριῶν ἤδη καιρῶν κατειληφόντων τὴν πόλιν, ἐν οἷς ὑμεῖς τοὺς χρησίμους τῷ δήμῳ ἐξητάζετε, οὐδενὸς τούτων ἀπολελείμμαθα, ἀλλ' ὅτε μὲν εἰς Θήβας Ἀλέξανδρος παρήει, ἐπεδώκαμεν ὑμῖν
- 39 τάλαντον ἀργυρίου· ὅτε δ' ὁ σίτος ἐπετιμήθη τὸ πρότερον καὶ ἐγένετο ἑκκαίδεκα δραχμῶν, εἰσαγαγόντες πλείους ἢ μυρίουσ μεδίμνους πυρῶν διμετρήσαμεν ὑμῖν τῆς καθεστηκυίας τιμῆς, πέντε δραχμῶν τὸν μέδιμνον, καὶ ταῦτα πάντες ἴστε ἐν τῷ πομπείῳ διαμετρούμενοι· πέρυσι δ' εἰς τὴν σιτωνίαν τὴν ὑπὲρ τοῦ δήμου τάλαντον ὑμῖν ἐπιδώκαμεν ἐγὼ τε καὶ ὁ ἀδελφός.

Καὶ μοι ἀνάγνωθι τούτων τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 40 Ἀλλὰ μὴν εἴ γε δεῖ καὶ τούτοις τεκμαίρεσθαι, [919] οὐκ εἰκὸς ἦν ἐπιδιδόναι μὲν ἡμᾶς τοσαῦτα χρήματα, ἵνα παρ' ὑμῖν εὐδοξῶμεν, συκοφαντεῖν δὲ Φορμίωνα, ἵνα καὶ τὴν ὑπάρχουσαν ἐπιείκειαν ἀπο-

<sup>a</sup> Literally a half-sixth (*i.e.* one-twelfth) of a medimnus, a measure containing about twelve gallons.

<sup>b</sup> In 335 B.C.

## AGAINST PHORMIO, 37-40

their meal measured out to them a gallon<sup>a</sup> at a time, and being nearly trampled to death.

In proof that my words are true, take, please, the deposition and the law.

### THE DEPOSITION. THE LAW

Phormio, then, with the help of this fellow as his 38 accomplice and witness, thinks proper to rob *us* of our money—*us*, who have continually brought grain to your market, and who in three crises which have come upon the state, during which you put to the test those who were of service to the people, have not once been found wanting. Nay, when Alexander entered Thebes,<sup>b</sup> we made you a free gift of a talent in cash; and when grain earlier advanced in price 39 and reached sixteen drachmae, we imported more than ten thousand medimni of wheat, and measured it out to you at the normal price of five drachmae a medimnus, and you all know that you had this measured out to you in the Pompeium.<sup>c</sup> And last year my brother and I made a free gift of a talent to buy grain for the people.

Read, please, the depositions which establish these facts.

### THE DEPOSITIONS

Surely, if any inference may be based upon these 40 facts, it is not likely that we should freely give such large sums in order to win a good name among you, and then should bring a false accusation against Phormio in order to throw away even the reputation for honourable dealing which we had won. It is

<sup>c</sup> This was a hall near the Dipylon, in which the dresses and other properties used in the Panathenaic procession (*πομπή*) were kept.

## DEMOSTHENES

βάλωμεν. δικαίως ἂν οὖν βοηθήσαιτε ἡμῖν, ὦ ἄνδρες δικασταί. ἐπέδειξα γὰρ ὑμῖν οὐτ' ἐξ ἀρχῆς τὰ φορτία ἐνθήμερον τοῦτον εἰς τὴν ναῦν ἀπάντων ὧν ἔδανείσατο Ἀθήνηθεν, τῶν τ' ἐν τῷ Βοσπόρῳ πραθέντων τοὺς τὰ ἑτερόπλοια δανείσαντας μόλις  
 41 διαλύσαντα, ἔτι δ' οὐτ' εὐποροῦντα οὔθ' οὕτως ὄντ' ἀβέλτερον, ὥστ' ἀντὶ δισχιλιῶν καὶ ἑξακοσίων δραχμῶν τριάκοντα μνᾶς καὶ ἐννέα ἀποδοῦναι, πρὸς τε τούτοις, ὅτε ἀποδοῦναί φησι τὸ χρυσίον Λάμπιδι, οὔτε τὸν παῖδα παραλαβόντα τὸν ἐμὸν οὔτε τὸν κοινωνὸν ἐπιδημοῦντα ἐν Βοσπόρῳ. ἐμοὶ δὲ Λάμπις αὐτὸς μαρτυρῶν φαίνεται ὡς οὐκ ἀπέιληφε  
 42 τὸ χρυσίον, πρὶν ὑπὸ τούτου διαφθαρῆναι. καίτοι εἰ καθ' ἐν ἕκαστον οὕτως ἔδεικνυε Φορμίων, οὐκ οἶδ' ὅπως ἂν ἄλλως ἄμεινον ἀπελογήσατο. ὑπὲρ δὲ τοῦ τὴν δίκην εἰσαγώγιμον εἶναι ὁ νόμος αὐτὸς διαμαρτύρεται, κελεύων τὰς δίκας εἶναι τὰς ἐμπορικὰς τῶν συμβολαίων τῶν Ἀθήνησι καὶ εἰς τὸ Ἀθηναίων ἐμπόριον, καὶ οὐ μόνον τῶν Ἀθήνησιν, ἀλλὰ καὶ ὅσ' ἂν γένηται ἔνεκα τοῦ πλοῦ τοῦ Ἀθή-  
 ναζε.

Λαβὲ δὴ μοι τοὺς νόμους.

### NOMOI

43 Ὡς μὲν τοίνυν γέγονέ μοι τὸ συμβόλαιον πρὸς Φορμίων Ἀθήνησιν, οὐδ' αὐτοὶ ἕξαρνοί εἰσι, παρα-

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<sup>a</sup> The speaker is about to return to the argument that the special plea was inadmissible. He says, in effect, I have shown that Phormio is guilty. If he had been able to prove his case as clearly (*i.e.* in the suit as instituted) it would have been his best defence. He could not do so, and therefore had recourse to a special plea, arguing that my suit



right, therefore, that you should come to our aid, men of the jury. I have shown you that Phormio in the first place did not put on board the vessel goods to the value of all the loans which he had secured at Athens, and that with the proceeds from the goods sold in Bosphorus he with difficulty satisfied his creditors who had lent money for the outward voyage ; further, that he was not well off, and not so 41 foolish as to pay thirty-nine minae instead of twenty-six hundred drachmae ; and besides all this, that when, as he says, he paid the money to Lampis he summoned neither my slave nor my partner, who was at the time in Bosphorus, as a witness. Again, Lampis himself is shown to have testified to me, before he was corrupted by Phormio, that he had not received the money. Yet,<sup>a</sup> if Phormio were thus to 42 prove his case point by point, I do not see what better defence he could have made. But that the action is admissible the law itself solemnly declares, when it maintains that mercantile actions are those for contracts made at Athens or for the Athenian market, and not only those made at Athens, but all that are made for the purpose of a voyage to Athens.

Please take the laws.

#### THE LAWS

That the contract has been entered into between 43 Phormio and myself at Athens even our opponents themselves do not deny, but they enter a special plea

could not be brought into court. This, however, is inadmissible, and his course in entering it proves that he had no defence.

## DEMOSTHENES

γράφονται δὲ ὡς οὐκ εἰσαγώγιμον τὴν δίκην οὔσαν.  
 [920] ἀλλ' εἰς ποῖον δικαστήριον εἰσέλθωμεν, ἄνδρες δικασ-  
 σταί, εἰ μὴ πρὸς ὑμᾶς, οὐπὲρ τὸ συμβόλαιον ἐποιη-  
 σάμεθα; δεινὸν γὰρ ἂν εἴη, εἰ μὲν ἔνεκα τοῦ πλοῦ  
 τοῦ Ἀθήναζε ἡδικούμενην, εἶναι ἂν μοι παρ' ὑμῖν  
 τὸ δίκαιον λαβεῖν παρὰ Φορμίωνος, ἐπειδὴ δὲ τὸ  
 συμβόλαιον ἐν τῷ ὑμετέρῳ ἐμπορίῳ γέγονε, μὴ  
 44 φάσκειν παρ' ὑμῖν τούτους ὑφέξειν τὴν δίκην. καὶ  
 ὅτε μὲν Θεοδότῳ τὴν δίκαιαν ἐπετρέψαμεν, ὡμο-  
 λόγησαν εἶναι καθ' αὐτῶν ἐμοὶ τὴν δίκην εἰσ-  
 αγώγιμον· νυνὶ δὲ τοῦναντίον λέγουσιν ὧν πρότερον  
 αὐτοὶ συγκεχωρήκασιν, ὡς δέον παρὰ μὲν τῷ  
 Θεοδότῳ τῷ ἰσοτελεῖ ὑποσχεῖν αὐτοὺς δίκην ἄνευ  
 παραγραφῆς, ἐπειδὴ δὲ εἰς τὸ Ἀθηναίων δικαστή-  
 ριον εἰσερχόμεθα, μηκέτ' εἰσαγώγιμον τὴν δίκην  
 45 εἶναι. ἐνθυμοῦμαι δ' ἔγωγε, τί ἂν ποτε εἰς τὴν  
 παραγραφὴν ἔγραψεν, εἰ ὁ Θεόδοτος ἀπέγνω τῆς  
 δίκης, ὅπου νῦν γνότος τοῦ Θεοδότου ἀπιέναι ἡμᾶς  
 εἰς τὸ δικαστήριον, οὗ φησι τὴν δίκην εἶναι εἰσ-  
 αγώγιμον παρ' ὑμῖν, πρὸς οὓς ἐκεῖνος ἔγνω ἀπιέναι.  
 πάθοιμι μέντ' ἄν δεινότατα, εἰ οἱ μὲν νόμοι τῶν  
 Ἀθήνησι συμβολαίων κελεύουσι τὰς δίκας εἶναι  
 πρὸς τοὺς θεσμοθέτας, ὑμεῖς δ' ἀπογνοίητε τῆς  
 δίκης ὁμωμοκότες κατὰ τοὺς νόμους ψηφιεῖσθαι.  
 46 Τοῦ μὲν οὖν δανεῖσαι ἡμᾶς τὰ χρήματα αἷ τε  
 συνθήκαι καὶ αὐτὸς οὗτός ἐστι μάρτυς· τοῦ δ' ἀπο-  
 δεδωκέναι οὐδεὶς ἐστι μάρτυς ἔξω τοῦ Λάμπιδος  
 266

alleging that the action is not admissible. But to what tribunal shall we come, men of the jury, if not to you, since it was here in Athens that we made our contract? It would be hard indeed that, if a wrong had been done me in connexion with a voyage to Athens, I should be able to get satisfaction from Phormio in your court, but, when the contract has been made in your market, these men should say that they will not be tried before you. When we referred the case to Theodotus for 44 arbitration, they admitted that my action against them was admissible; but now they say what is the direct opposite of what they have themselves before admitted; as if, forsooth, it were proper that they should be tried before Theodotus, the privileged alien, without a special plea, but, when we enter the Athenian court, the action should no longer be admissible. I for my part am trying to conceive what 45 in the world he would have written in the special plea, if Theodotus had dismissed the suit, when now, after Theodotus has decreed that we should go into court, he declares that the action is not one that can be brought before you, to whom Theodotus bade us go.<sup>a</sup> Surely I should suffer most cruel treatment if, when the laws declare that suits growing out of contracts made at Athens shall be brought before the Thesmothetae, you, who have sworn to decide according to the laws, should dismiss the suit.

That we lent the money is attested by the agree- 46 ment, and by Phormio himself; that it has been repaid is attested by no one except Lampis, who

<sup>a</sup> If, under the present circumstances, Phormio's insolence is so great, who can say what it would have been, had the arbitrator decided in his favour?

## DEMOSTHENES

τοῦ συναδικοῦντος. καὶ οὗτος μὲν εἰς ἐκείνον μόνον ἀναφέρει τὴν ἀπόδοσιν, ἐγὼ δ' εἰς τε τὸν Λάμπιν αὐτὸν καὶ τοὺς ἀκούσαντας αὐτοῦ ὅτε οὐκ ἔφη ἀπειληθέναι τὸ χρυσίον. τούτῳ μὲν οὖν τοὺς ἐμοὺς μάρτυρας ἔξεστι κρίνειν, εἰ μὴ φησι τὰληθῆ μαρτυρεῖν αὐτούς· ἐγὼ δ' οὐκ ἔχω τί χρήσωμαι  
 [921] τοῖς τούτου μάρτυσιν, οἳ φασιν εἰδέναί τὸν Λάμπιν μαρτυροῦντα ἀπειληθέναι τὸ χρυσίον. εἰ μὲν γὰρ ἢ μαρτυρία ἢ τοῦ Λάμπιδος κατεβάλλετο ἐνταῦθ', ἴσως ἂν ἔφασαν οὗτοι δίκαιον εἶναι ἐπισκῆπτεσθαί μ' ἐκείνῳ· νῦν δ' οὔτε τὴν μαρτυρίαν ταύτην ἔχω, οὔτοσί τε οἶεται δεῖν ἀθῶος εἶναι οὐδὲν ἐνέχυρον  
 47 καταλιπὼν ὧν πείθει ὑμᾶς ψηφίσασθαι. πῶς δ' οὐκ ἂν εἶη ἄτοπον, εἰ αὐτοῦ Φορμίωνος ὁμολογοῦντος δανείσασθαι, φάσκοντος δ' ἀποδεδωκέναι, τὸ μὲν ὁμολογούμενον ὑπ' αὐτοῦ τούτου ἄκυρον ποιήσαίτε, τὸ δ' ἀμφισβητούμενον κύριον ψηφίσαισθε; καὶ ὁ μὲν Λάμπις, ᾧ οὗτος σκῆπτεται μάρτυρι, μαρτυρεῖ ἔξαρνος γενόμενος τὸ ἐξ ἀρχῆς ὡς οὐκ ἀπείληφε τὸ χρυσίον· ὑμεῖς δὲ γνοίητε ὡς ἀπείληφ' ἐκείνος, ᾧ οὐκ εἰσὶ μάρτυρες τοῦ πράγ-  
 48 ματος; καὶ ὅσα μὲν εἶπε μετὰ τῆς ἀληθείας, μὴ χρήσαισθε τεκμηρίῳ, ἃ δ' ἐψεύσατο ὕστερον, ἐπειδὴ διεφθάρη, πιστότερα ταῦθ' ὑπολάβοιτε εἶναι; καὶ

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<sup>a</sup> When the arbitrator determined that the case before him should be tried in court, he sealed in two jars, or boxes (ἐχῖνοι), 268

## AGAINST PHORMIO, 46-48

is an accomplice in the crime. Phormio claims to prove the payment on the testimony of Lampis alone, but I adduce Lampis and those who heard him declare that he had not received the money. Further, Phormio is in a position to bring my witnesses to trial, if he maintains that their testimony is false, but I have no means of dealing with his witnesses, who say they know that Lampis testified that he had received the money. If Lampis's own deposition had been put into court,<sup>a</sup> these men would perhaps have said that I ought to prosecute him for giving false testimony ; but, as it is, I have not this deposition, and Phormio thinks he should get off unscathed, since he has left no valid security for the verdict which he urges you to pronounce.<sup>b</sup> Would it 47  
not indeed be absurd if, when Phormio admits that he borrowed, but alleges that he has made payment, you should make of none effect that which he himself admits and by your vote give effect to what is under dispute ? And if, when Lampis, on whose testimony my opponent relies, after at first denying that he had received the money, now testifies to the contrary, you should determine that he has received it, although there are no witnesses to support the fact ? And if you refuse to admit as proofs all that he 48  
truthfully stated, and should count more worthy of belief the lies which he told after he had been cor-

all documents bearing upon the case. One of these was assigned to either party in the suit, and only such depositions, citations of laws, or challenges, as were contained in them, might be introduced at the trial.

<sup>b</sup> Phormio relies upon the testimony of Lampis. Under the circumstances it is impossible for me to sue Lampis for perjury, in which case Phormio might be prosecuted for collusion. He therefore hopes to get off scot-free.

## DEMOSTHENES

μήν, ὦ ἄνδρες Ἀθηναῖοι, πολὺ δικαιότερόν ἐστι τοῖς ἐξ ἀρχῆς ῥηθείσι τεκμαίρεσθαι μᾶλλον ἢ τοῖς ὕστερον τεκταινομένοις. τὰ μὲν γὰρ οὐκ ἐκ παρασκευῆς, ἀλλ' ἐκ τῆς ἀληθείας ἔλεγε, τὰ δ' ὕστερον ψευδόμενος πρὸς τὸ συμφέρον αὐτῷ.

- 49 Ἀναμνήσθητε δ', ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐδ' αὐτὸς ὁ Λάμπις ἕξαρνος ἐγένετο ὡς οὐκ εἶη εἰρηκῶς ὅτι οὐκ ἀπέιληφε τὸ χρυσίον, ἀλλ' εἰπεῖν μὲν ὠμολόγει, οὐ μέντοι ἐντός γ' ὧν αὐτοῦ εἰπεῖν. οὐκ οὖν ἄτοπον, εἰ τῆς ἐκείνου μαρτυρίας τὸ μὲν
- [922] πρὸς τοῦ ἀποστεροῦντος πιστῶς ἀκούσεσθε, τὸ δ' ὑπὲρ τῶν ἀποστερουμένων ἄπιστον ἔσται παρ' ὑμῖν;
- 50 μηδαμῶς, ὦ ἄνδρες δικασταί. ὑμεῖς γὰρ ἐστε οἱ αὐτοὶ οἱ τὸν ἐπιδεδανεισμένον ἐκ τοῦ ἐμπορίου πολλὰ χρήματα καὶ τοῖς δανεισταῖς οὐ παρασχόντα τὰς ὑποθήκας θανάτῳ ζημιώσαντες εἰσαγγελθέντα ἐν τῷ δήμῳ, καὶ ταῦτα πολίτην ὑμέτερον ὄντα καὶ
- 51 πατρὸς ἐστρατηγηκότος. ἠγείσθε γὰρ τοὺς τοιούτους οὐ μόνον τοὺς ἐντυγχάνοντας ἀδικεῖν, ἀλλὰ καὶ κοινῇ βλάπτειν τὸ ἐμπόριον ὑμῶν, εἰκότως. αἱ γὰρ εὐπορίαι τοῖς ἐργαζομένοις οὐκ ἀπὸ τῶν δανειζομένων, ἀλλ' ἀπὸ τῶν δανειζόντων εἰσί, καὶ οὔτε ναῦν οὔτε ναύκληρον οὔτ' ἐπιβάτην ἔστ' ἀναχθῆναι,
- 52 τὸ τῶν δανειζόντων μέρος ἂν ἀφαιρεθῇ. ἐν μὲν οὖν τοῖς νόμοις πολλαὶ καὶ καλαὶ βοήθειαι εἰσιν αὐτοῖς· ὑμᾶς δὲ δεῖ συνεπανορθοῦντας φαίνεσθαι καὶ μὴ συγχωροῦντας τοῖς πονηροῖς, ἵν' ὑμῖν ὡς πλείστη ὠφέλεια παρὰ τὸ ἐμπόριον ᾗ. ἔσται δ',

rupted? Verily, men of Athens, it is far more just to draw conclusions from statements made in the first instance than from those subsequently fabricated; for the former he made truthfully, and not with ulterior purpose, while the later ones are lies designed to further his interests.

Remember, men of Athens, that even Lampis himself never denied saying that he had not received the money; he admitted that he so stated, but declared he was not in his right mind at the time. But would it not be absurd for you to accept as worthy of credit that part of his testimony which favours the defrauding party, and to discredit that which favours the party defrauded? Nay, men of the jury, I beg you, do not do this. You are the same persons who punished with death, when he had been impeached before the assembly, a man who obtained large additional loans on your exchange, and did not deliver to his creditors their securities, though he was a citizen and the son of a man who had been general. For you hold that such people not only wrong those who do business with them, but also do a public injury to your market; and you are right in holding this view. For the resources required by those who engage in trade come not from those who borrow, but from those who lend; and neither ship nor shipowner nor passenger can put to sea, if you take away the part contributed by those who lend. In the laws there are many excellent provisions for their protection. It is your duty to show that you aid the laws in righting abuses, and that you make no concession to wrongdoers, in order that you may derive the greatest possible benefit from your market. You will do so, if you

## DEMOSTHENES

ἐὰν φυλάττητε τοὺς τὰ ἑαυτῶν προἰεμένους, καὶ μὴ ἐπιτρέπητε ἀδικεῖσθαι ὑπὸ τῶν τοιούτων θηρίων.

Ἐγὼ μὲν οὖν ὅσαπερ οἴός τ' ἦν εἶρηκα· καλῶ δὲ καὶ ἄλλον τινὰ τῶν φίλων, ἐὰν κελεύητε.



## AGAINST PHORMIO, 52

protect those who risk their money, and do not allow them to be defrauded by monsters such as these.

I have said all that it was in my power to say. But I am ready to call another of my friends, if you so bid.



AGAINST LACRITUS

## INTRODUCTION

THE present speech is, like the preceding one, an answer to one delivered by the opposing party in support of the special plea in bar of action which he had entered; and, also as in the preceding case, it deals more largely with the facts of the suit itself than with the grounds for holding the special plea to be inadmissible.

Androcles, an Athenian, and Nausicrates, of Carystus in Euboea, had lent thirty minae to Artemo and Apollodorus, both of Phaselis in Bithynia. The terms on which the loan was made were that the borrowers should sail from Athens to Mendê or Scionê (towns in the peninsula of Pallênê in Chalcidicê) and there purchase and put on board the ship a cargo of three thousand jars of Mendæan wine, which they were to transport to the Pontus. Then, after disposing of the wine and shipping a return cargo, they were to sail back to Athens, and from the proceeds of the double voyage were to discharge the debt with interest. (The agreement is given in full in §§ 11-15 of the oration, although the genuineness of all such inserted documents is open to question.)

The speaker, Androcles, charges that the borrowers violated the terms of the agreement in that they shipped less than the prescribed quantity of wine; that they secured additional loans upon the security

## AGAINST LACRITUS

already pledged to himself and his partner ; and that they failed to ship an adequate return cargo. Finally, when payment was demanded of them, they falsely asserted that the vessel had been wrecked.

Suit is therefore brought against Lacritus, the brother of **Androcles**, the latter himself having died in the interim. It is claimed that he, being the inheritor of his brother's estate, should also meet that brother's obligations ; and it is further claimed that Lacritus had, at least verbally, guaranteed the performance of the agreement.

Lacritus enters a special plea on the ground that no contract had been made between Androcles and himself ; and further declares that, having relinquished his claim to his brother's property, he cannot be held liable for his debts.

Lacritus was a pupil of Isocrates, and § 41 of the speech shows that the speaker sought to make capital out of the general unpopularity of the sophists as a class ; for in the popular mind a teacher of rhetoric would be regarded as belonging to that class.

Consult further Schaefer, iii.<sup>2</sup> pp. 286 ff., and Blass, iii. pp. 562 ff.

## XXXV

## ΠΡΟΣ ΤΗΝ ΛΑΚΡΙΤΟΥ ΠΑΡΑΓΡΑΦΗΝ

Οὐδὲν καινὸν διαπράττονται οἱ Φασηλίται, ὧ  
 ἄνδρες δικασταί, ἀλλ' ἅπερ εἰώθασιν. οὔτοι γὰρ  
 δεινότατοι μὲν εἰσι δανείσασθαι χρήματ' ἐν τῷ  
 ἐμπορίῳ, ἐπειδὴν δὲ λάβωσι καὶ συγγραφὴν συγ-  
 γράψωνται ναυτικὴν, εὐθύς ἐπελάθοντο καὶ τῶν  
 συγγραφῶν καὶ τῶν νόμων καὶ ὅτι δεῖ ἀποδοῦναι  
 2 αὐτοὺς ἅ ἔλαβον, καὶ οἴονται, ἐὰν ἀποδώσιν, ὥσπερ  
 [924] τῶν ἰδίων τι τῶν ἑαυτῶν ἀπολωλεκέναι, ἀλλ' ἀντὶ  
 τοῦ ἀποδοῦναι σοφίσματα εὐρίσκουσι καὶ παρα-  
 γραφὰς καὶ προφάσεις, καὶ εἰσὶ πονηρότατοι ἀν-  
 θρώπων καὶ ἀδικώτατοι. τεκμήριον δὲ τούτου  
 πολλῶν γὰρ ἀφικνουμένων εἰς τὸ ὑμέτερον ἐμπόριον  
 καὶ Ἑλλήνων καὶ βαρβάρων, πλείους δίκαι εἰσὶν  
 ἐκάστοτε αὐτῶν τῶν Φασηλιτῶν ἢ τῶν ἄλλων  
 3 ἀπάντων. οὔτοι μὲν οὖν τοιοῦτοί εἰσιν· ἐγὼ δ', ὧ  
 ἄνδρες δικασταί, χρήματα δανείσας Ἀρτέμωνι τῷ  
 τούτου ἀδελφῷ κατὰ τοὺς ἐμπορικοὺς νόμους, εἰς  
 τὸν Πόντον καὶ πάλιν Ἀθήναζε, τελευτήσαντος  
 ἐκείνου πρὶν ἀποδοῦναί μοι τὰ χρήματα, Λακρίτῳ  
 τουτῶι εἴληχα τὴν δίκην ταύτην κατὰ τοὺς αὐτοὺς

<sup>a</sup> Phaselis was a town in Bithynia, on the southern coast of Asia Minor.

<sup>b</sup> The courts for the settlement of maritime cases sat from

## XXXV

### ANDROCLES AGAINST LACRITUS IN REPLY TO THE LATTER'S SPECIAL PLEA

THE Phaselites,<sup>a</sup> men of the jury, are up to no new tricks ; they are merely doing what it is their wont to do. For they are the cleverest people at borrowing money on your exchange ; but, as soon as they get it and have drawn up a maritime contract, they straightway forget the contract and the laws, and that they are under obligation to pay back what they have received. They consider that, if they pay <sup>2</sup> their debts, it is like having lost something of their own private property, and, instead of paying, they invent sophisms, and special pleas, and pretexts ; and are the most unprincipled and dishonest of men. Here is a proof of this. Out of the hosts of people, both Greeks and barbarians, who frequent your exchange, the Phaselites alone have more lawsuits, whenever the courts sit,<sup>b</sup> than all others put together. That is the sort of people they are. But I, men of the <sup>3</sup> jury, lent money to Artemo, this fellow's brother, in accordance with the commercial laws for a voyage to Pontus and back. As he died before having repaid me the money I have brought this suit against Lacritus here in accordance with the same laws September to April, the period when the sea was closed to navigation. See Oration XXXIII. § 23.

## DEMOSTHENES

νόμους τούτους, καθ' οὔσπερ τὸ συμβόλαιον ἐποιή-  
 4 σάμην, ἀδελφῶ ὄντι τούτῳ ἐκείνου καὶ ἔχοντι  
 ἅπαντα τὰ Ἀρτέμωνος, καὶ ὅσ' ἐνθάδε κατέλιπε  
 καὶ ὅσα ἦν αὐτῷ ἐν τῇ Φασήλιδι, καὶ κληρονόμῳ  
 ὄντι τῶν ἐκείνου ἀπάντων, καὶ οὐκ ἂν ἔχοντος  
 τούτου δεῖξαι νόμον, ὅστις αὐτῷ δίδωσιν ἐξουσίαν  
 ἔχειν μὲν τὰ τοῦ ἀδελφοῦ καὶ διωκηκέαι ὅπως  
 ἐδόκει αὐτῷ, μὴ ἀποδιδόναι δὲ τὰλλότρια χρήματα,  
 ἀλλὰ λέγειν νῦν ὅτι οὐκ ἔστι κληρονόμος, ἀλλ'  
 5 ἀφίσταται τῶν ἐκείνου. ἡ μὲν τουτουὶ Λακρίτου  
 πονηρία τοιαύτη ἐστίν· ἐγὼ δ' ὑμῶν δέομαι, ὧ  
 ἄνδρες δικασταί, εὐνοϊκῶς ἀκοῦσαί μου περὶ τοῦ  
 πράγματος τουτουί· κὰν ἐλέγξω αὐτὸν ἀδικοῦντα  
 ἡμᾶς τε τοὺς δανείσαντας καὶ ὑμᾶς οὐδὲν ἦττον,  
 βοηθεῖτε ἡμῖν τὰ δίκαια.

6 Ἐγὼ γάρ, ὧ ἄνδρες δικασταί, αὐτὸς μὲν οὐδ'  
 ὅπωςτιοῦν ἐγνώριζον τοὺς ἀνθρώπους τούτους·  
 [925] Θρασυμήδης δ' ὁ Διοφάντου υἱός, ἐκείνου τοῦ  
 Σφηττίου, καὶ Μελάνωπος ὁ ἀδελφὸς αὐτοῦ ἐπι-  
 τήδειοί μοί εἰσι, καὶ χρώμεθ' ἀλλήλοις ὡς οἶόν  
 τε μάλιστα. οὔτοι προσῆλθόν μοι μετὰ Λακρίτου  
 τουτουί, ὁπόθεν δήποτε ἐγνωρισμένοι τούτῳ (οὐ  
 7 γὰρ οἶδα), καὶ ἐδέοντό μου δανεῖσαι χρήματ' εἰς  
 τὸν Πόντον Ἀρτέμωνι τῷ τούτου ἀδελφῷ καὶ  
 Ἀπολλοδώρῳ, ὅπως ἂν ἐνεργοὶ ᾦσιν, οὐδὲν εἰδώς,  
 ὧ ἄνδρες δικασταί, οὐδ' ὁ Θρασυμήδης τὴν τούτων  
 πονηρίαν, ἀλλ' οἰόμενος εἶναι ἐπιεικεῖς ἀνθρώπους  
 καὶ οἰοίπερ προσεποιοῦντο καὶ ἔφασαν εἶναι, καὶ  
 ἡγούμενος ποιήσειν αὐτοὺς πάντα ὅσαπερ ὑπ-  
 8 ισχυοῦντο καὶ ἀνεδέχετο Λάκριτος οὕτοσί. πλεί-  
 στον δ' ἄρ' ἦν ἐψευσμένος, καὶ οὐδὲν ἦδει οἷσις  
 θηρίοις ἐπλησίαζε τοῖς ἀνθρώποις τούτοις. καὶ γὰρ



## AGAINST LACRITUS, 4-8

under which I made the contract, since he is the 4  
brother of Artemo and has possession of all his  
property, both all that he left here and all that he  
had at Phaselis, and is the heir to his whole estate ;  
and since he can show no law which gives him the  
right to hold his brother's property and to have ad-  
ministered it as he pleased. and yet to refuse to pay  
back money which belongs to others and to say  
now that he is not the heir, but has nothing to do  
with the dead man's affairs. Such is the rascality of 5  
this fellow, Lacritus; but I beg of you, men of the  
jury, to give me a favourable hearing in regard to this  
matter and, if I prove to you that he has wronged  
us, who lent the money, and you as well, to render  
us the aid that is our due.

I myself, men of the jury, had not the slightest 6  
acquaintance with these men ; but Thrasymedes the  
son of Diophantus, that well-known Sphettian,<sup>a</sup> and  
Melanopus, his brother, are friends of mine, and we  
are on the most intimate terms possible. These  
men came up to me with Lacritus here, whose  
acquaintance they had made in some way or other—  
how, I do not know,—and asked me to lend money 7  
to Artemo, this man's brother, and to Apollo-  
dorus for a voyage to Pontus, that they might be  
engaged in a trading enterprise. Thrasymedes like  
myself knew nothing of the rascality of these people,  
but supposed them to be honourable men and such  
as they pretended and declared themselves to be ;  
and that they would do all that they promised and  
that this fellow Lacritus undertook that they should  
do. He was utterly deceived, and had no idea what 8  
monsters these men were with whom he was associat-

<sup>a</sup> Sphettus was a deme of the tribe Acamantis.

## DEMOSTHENES

πεισθεῖς ὑπὸ τοῦ Θρασυμήδους καὶ τοῦ ἀδελφοῦ αὐτοῦ, καὶ Λακρίτου τουτουὶ ἀναδεχομένου μοι πάντ' ἔσεσθαι τὰ δίκαια παρὰ τῶν ἀδελφῶν τῶν αὐτοῦ, ἐδάνεισα μετὰ ξένου τινὸς ἡμετέρου Καρυ-  
 9 στίου τριάκοντα μνᾶς ἀργυρίου. βούλομαι οὖν, ὦ ἄνδρες δικασταί, τῆς συγγραφῆς ἀκοῦσαι ὑμᾶς πρῶτον, καθ' ἣν ἐδανείσαμεν τὰ χρήματα, καὶ τῶν μαρτύρων τῶν παραγενομένων τῷ δανείσματι. ἔπειτα περὶ τῶν ἄλλων ἐπιδείξομεν, οἷα ἐτοιχω-  
 ρύχησαν οὗτοι περὶ τὸ δάνειον.

Λέγε τὴν συγγραφὴν, εἶτα τὰς μαρτυρίας.

### ΣΥΓΓΡΑΦΗ

- 10 Ἐδάνεισαν Ἀνδροκλῆς Σφήττιος καὶ Ναυσικράτης Καρύστιος Ἀρτέμωνι καὶ Ἀπολλοδώρῳ Φασηλίταις  
 [926] ὄραχμᾶς ἀργυρίου τρισχιλίας Ἀθήνηθεν εἰς Μένδην ἢ Σκιώνην, καὶ ἐντεῦθεν εἰς Βόσπορον, ἐὰν δὲ βού-  
 λωνται, τῆς ἐπ' ἀρωτερὰ μέχρι Βορυσθένους, καὶ πάλιν Ἀθήναζε, ἐπὶ διακοσίαις εἴκοσι πέντε τὰς χιλίας, ἐὰν δὲ μετ' Ἀρκτοῦρον ἐκπλείσωσιν ἐκ τοῦ Πόντου ἐφ' Ἱερὸν, ἐπὶ τριακοσίαις τὰς χιλίας, ἐπὶ οἴνου κεραμίσις Μενδαίοις τρισχιλίσις, ὅς πλείσεται ἐκ Μένδης ἢ Σκιώνης ἐν τῇ εἰκοσῶρῳ, ἣν Ὑβλήσιος  
 11 ναυκληρεῖ. ὑποτιθέασι δὲ ταῦτα, οὐκ ὀφείλοντες ἐπὶ τούτοις ἄλλῳ οὐδενὶ οὐδὲν ἀργύριον, οὐδ' ἐπιδανεί-  
 σονται. καὶ ἀπάξουσι τὰ χρήματα τὰ ἐκ τοῦ Πόντου ἀντιφορτισθέντα Ἀθήναζε πάλιν ἐν τῷ αὐτῷ πλοίῳ ἅπαντα. σωθέντων δὲ τῶν χρημάτων Ἀθήναζε, ἀπο-  
 δώσουσιν οἱ δανεισάμενοι τοῖς δανείσασι τὸ γιγνόμενον

<sup>a</sup> Carystus was a town in Euboea.

<sup>b</sup> Towns in the peninsula of Pallênê, in Chalcidicê. Weather conditions would determine which port should be entered.

## AGAINST LACRITUS, 8-11

ing. I allowed myself to be persuaded by Thrasy-  
medes and his brother, and upon the assurance given  
me by this Laeritus, that his brothers would do every-  
thing that was right, I, with the help of a Carystian,<sup>a</sup>  
who was a friend of mine, lent thirty minae in silver.  
I wish you first, men of the jury, to hear the agree- 9  
ment in accordance with which we lent the money,  
and the witnesses who were present when the loan  
was made ; after that I shall take up the remaining  
features of the case, and show you how like burglars  
they acted in the matter of this loan.

Read the agreement, and then the depositions.

### THE AGREEMENT

Androcles of Sphettus and Nausicrates of Carystus lent to 10  
Artemo and Apollodorus, both of Phaselis, three thousand  
drachmae in silver for a voyage from Athens to Mendê or  
Scionê,<sup>b</sup> and thence to Bosphorus—or if they so choose, for  
a voyage to the left parts of the Pontus as far as the Bory-  
sthenes,<sup>c</sup> and thence back to Athens, on interest at the rate of  
two hundred and twenty-five drachmae on the thousand ; but,  
if they should sail out from Pontus to Hieron<sup>d</sup> after the  
rising of Arcturus,<sup>e</sup> at three hundred on the thousand, on  
the security of three thousand jars of wine of Mendê, which  
shall be conveyed from Mendê or Scionê in the twenty-oared 11  
ship of which Hyblesius is owner. They give these goods as  
security, owing no money upon them to any other person,  
nor will they make any additional loan upon this security ;  
and they agree to bring back to Athens in the same vessel  
all the goods put on board in Pontus as a return cargo : and,  
if the goods are brought safe to Athens, the borrowers are to  
pay to the lenders the money due in accordance with the

<sup>c</sup> The modern Dnieper.

<sup>d</sup> This was a place, called Hieron from a temple of Zeus,  
at the entrance to the Thracian Bosphorus on the Asiatic side.

<sup>e</sup> About the middle of September. This was considered  
a perilous season for navigation ; hence the higher rate of  
interest.

## DEMOSTHENES

ἀργύριον κατὰ τὴν συγγραφὴν ἡμερῶν εἴκοσιν, ἀφ' ἧς ἂν ἔλθωσιν Ἀθήναζε, ἐντελὲς πλὴν ἐκβολῆς, ἧς ἂν οἱ σύμπλοι ψηφισάμενοι κοινῇ ἐκβάλονται, καὶ ἂν τι πολεμίους ἀποτείσωσιν· τῶν δ' ἄλλων ἀπάντων ἐντελές. καὶ παρέξουσιν τοῖς δανείσασι τὴν ὑποθήκην ἀνέπαφον κρατεῖν, ἕως ἂν ἀποδῶσιν τὸ γιγνόμενον ἀργύριον κατὰ τὴν συγγραφὴν. εἰ δὲ μὴ ἀποδῶσιν ἐν τῷ συγκειμένῳ χρόνῳ, τὰ ὑποκείμενα τοῖς δανείσασιν ἐξέστω ὑποθεῖναι καὶ ἀποδόσθαι τῆς ὑπαρχούσης τιμῆς· καὶ εἰάν τι ἐλλείπη τοῦ ἀργυρίου, δ<sup>1</sup> δεῖ γενέσθαι τοῖς δανείσασι κατὰ τὴν συγγραφὴν, παρὰ Ἀρτέμωνος καὶ Ἀπολλοδώρου ἔστω ἡ πράξις τοῖς δανείσασι καὶ ἐκ τῶν τούτων ἀπάντων, καὶ ἐγγείων καὶ ναυτικῶν, πανταχοῦ ὅπου ἂν ὦσιν, καθάπερ δίκην ὠφληκότων καὶ ὑπερημέρων ὄντων,

[927] 13 καὶ ἐνὶ ἑκατέρῳ τῶν δανεισάντων καὶ ἀμφοτέροις. εἰ δὲ μὴ εἰσβάλωσι, μείναντες ἐπὶ κενῇ ἡμέρᾳ δέκα ἐν Ἑλλησπόντῳ, ἐξελόμενοι ὅπου ἂν μὴ σῦλαι ὦσιν Ἀθηναίοις, καὶ ἐντεῦθεν καταπλεύσαντες Ἀθήναζε τοὺς τόκους ἀποδόντων τοὺς πέρυσιν γραφέντας εἰς τὴν συγγραφὴν. εἰ δὲ τι ἢ ναῦς πάθῃ ἀνήκεστον ἐν ἧ ἂν πλέῃ τὰ χρήματα, σωτηρία δ' ἔσται τῶν ὑποκειμένων, τὰ περιγεγόμενα κοινὰ ἔστω τοῖς δανείσασιν. κυριώτερον δὲ περὶ τούτων ἄλλο μηδὲν εἶναι τῆς συγγραφῆς.

Μάρτυρες Φορμίων Πειραιεύς, Κηφισόδοτος Βοιώτιος, Ἡλιόδωρος Πιθεύς.

14 Λέγε δὴ καὶ τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑ

Ἀρχενομίδης Ἀρχεδάμαντος Ἀναγυράσιος μαρτυρεῖ συνθήκας παρ' ἑαυτῷ καταθέσθαι Ἀνδροκλέα Σφήττιον,

<sup>1</sup> δ] οὐ Blass.

<sup>a</sup> The ten days following the rising of Sirius—July 25 to August 5—were, it was thought, apt to be stormy.

<sup>b</sup> In such ports Athenian ships would be safe.

## AGAINST LACRITUS, 11-14

agreement within twenty days after they shall have arrived at Athens, without deduction save for such jettison as the passengers shall have made by common agreement, or for money paid to enemies; but without deduction for any other loss. And they shall deliver to the lenders in their entirety the goods offered as security to be under their absolute control until such time as they shall themselves have paid the money due in accordance with the agreement. And, if they 12 shall not pay it within the time agreed upon, it shall be lawful for the lenders to pledge the goods or even to sell them for such price as they can get; and if the proceeds fall short of the sum which the lenders should receive in accordance with the agreement, it shall be lawful for the lenders, whether severally or jointly, to collect the amount by proceeding against Artemo and Apollodorus, and against all their property whether on land or sea, wheresoever it may be, precisely as if judgement had been rendered against them and they had defaulted in payment. And, if they do not 13 enter Pontus, but remain in the Hellespont ten days after the rising of the dog-star,<sup>a</sup> and disembark their goods at a port where the Athenians have no right of reprisals,<sup>b</sup> and from thence complete their voyage to Athens, let them pay the interest written into the contract the year before.<sup>c</sup> And if the vessel in which the goods shall be conveyed suffers aught beyond repair, but the security is saved, let whatever is saved be the joint property of the lenders. And in regard to these matters nothing shall have greater effect than the agreement.<sup>d</sup>

Witnesses: Phormio of Peiraeus, Cephisodotus of Boeotia, Heliodorus of Pitthus.<sup>e</sup>

Now read the depositions.

14

### THE DEPOSITION

Archenomides, son of Archedamas, of Anagyrys, deposes that Androcles of Sphettus, Nausicrates of Carystus, and

<sup>c</sup> If the return voyage is delayed until the legal year has expired (at the summer solstice) the rate of interest is to remain unchanged.

<sup>d</sup> That is, the terms of the contract shall be absolute compare § 39.

<sup>e</sup> Pitthus (Pithus) was a deme of the tribe Cecropis.

## DEMOSTHENES

Ναυσικράτην Καρύστιον, Ἀρτέμωνα, Ἀπολλόδωρον Φασηλίτας, καὶ εἶναι παρ' ἑαυτῷ ἔτι κειμένην τὴν συγγραφὴν.

Λέγε δὴ καὶ τὴν τῶν παραγενομένων μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

Θεόδοτος ἰσοτελής, Χαρίνος Ἐπιχάρους Λευκονοεὺς, Φορμίων Κτησιφῶντος Πειραιεὺς, Κηφισόδοτος Βοιώτιος, Ἡλιόδωρος Πιθεὺς μαρτυροῦσι παρεῖναι, ὅτ' ἐδάνεισεν Ἀνδροκλῆς Ἀπολλοδώρῳ καὶ Ἀρτέμωνι ἀργυρίου τρισχιλίας δραχμάς, καὶ εἰδέναι τὴν συγγραφὴν καταθεμένους παρὰ Ἀρχενομίδῃ Ἀναγγρασίῳ.

- 15 Κατὰ τὴν συγγραφὴν ταύτην, ὧ ἄνδρες δικασταί, ἐδάνεισα τὰ χρήματα Ἀρτέμωνι τῷ τούτου ἀδελφῷ, [928] κελεύοντος τούτου καὶ ἀναδεχομένου ἅπαντ' ἔσσεσθαι μοι τὰ δίκαια κατὰ τὴν συγγραφὴν, καθ' ἣν ἐδάνεισα τούτου αὐτοῦ γράφοντος καὶ συσσημημένου, ἐπειδὴ ἐγράφη. οἱ μὲν γὰρ ἀδελφοὶ οἱ τούτου ἔτι νεώτεροι ἦσαν, μειράκια κομιδῆ, οὗτοσὶ δὲ Λάκριτος Φασηλίτης, μέγα πρᾶγμα, Ἰσοκράτους 16 μαθητής· οὗτος ἦν ὁ πάντα διοικῶν, καὶ ἑαυτῷ με τὸν νοῦν προσέχειν ἐκέλευεν· αὐτὸς γὰρ ἔφη ποιήσειν μοι τὰ δίκαια ἅπαντα καὶ ἐπιδημήσειν Ἀθήνησι, τὸν δ' ἀδελφὸν τὸν αὐτοῦ Ἀρτέμωνα πλεύσεσθαι ἐπὶ τοῖς χρήμασι. καὶ τότε μὲν, ὧ ἄνδρες δικασταί, ὅτ' ἐβούλετο τὰ χρήματα λαβεῖν παρ' ἡμῶν, καὶ ἀδελφὸς ἔφη εἶναι καὶ κοινωνὸς τοῦ Ἀρτέμωνος, καὶ λόγους θαυμασίως ὡς πιθανοὺς 17 ἔλεγεν· ἐπειδὴ δὲ τάχιστα ἐγκρατεῖς ἐγένοντο τοῦ ἀργυρίου, τοῦτο μὲν διενείμαντο καὶ ἐχρῶντο ὅ τι ἐδόκει τούτοις, κατὰ δὲ τὴν συγγραφὴν τὴν ναυ-
- 286

## AGAINST LACRITUS. 14-17

Artemo and Apollodorus, both of Phaselis, deposited articles of agreement with him, and that the agreement is still in custody in his hands.

Read also the deposition of those who were present.

### THE DEPOSITION

Theodotus, privileged alien, Charinus, son of Epichares, of Leuconium, Phormio, son of Ctephisophon, of Peiraeus, Cephisodotus of Boeotia and Heliodorus of Pitthus depose that they were present when Androcles lent to Artemo three thousand drachmae in silver, and that they know they deposited the agreement with Archenomides of Anagyros.

In accordance with this agreement, men of the jury, I lent the money to Artemo, this man's brother, at the request of Lacritus, and upon his engaging that I should receive everything that was my due in accordance with the agreement under which the loan was made. Lacritus himself drew up the agreement and joined in sealing it after it was written : for his brothers were still youngish, in fact mere boys, but he was Lacritus, of Phaselis, a personage of note, a pupil of Isocrates.<sup>a</sup> It was he who managed the whole matter, and he bade me look to him : for he declared that he would himself do everything that was right for me, and that he would stay in Athens, while his brother Artemo would sail in charge of the goods. At that time, men of the jury, when he wanted to get the money from us, he declared that he was both the brother and the partner of Artemo, and spoke with wondrous persuasiveness : but, as soon as they got possession of the money, they divided it, and used it as they pleased ; while as for the maritime agreement on the terms of which they

<sup>a</sup> The noted orator, essayist, and teacher of rhetoric.

## DEMOSTHENES

τικὴν, καθ' ἣν ἔλαβον τὰ χρήματα, οὔτε μέγα οὔτε μικρὸν ἔπραττον, ὡς αὐτὸ τὸ ἔργον ἐδήλωσεν. οὐτοσί δὲ Λάκριτος ἀπάντων ἦν τούτων ὁ ἐξηγητής. καθ' ἕκαστον δὲ τῶν γεγραμμένων ἐν τῇ συγγραφῇ ἐπιδείξω τούτους οὐδ' ὅτιοῦν πεποιηκότας ὑγίης.

- 18 Πρῶτον μὲν γὰρ γέγραπται ὅτι ἐπ' οἴνου κεραμίοις τρισχιλίοις ἔδανείσαντο παρ' ἡμῶν τὰς τριάκοντα μνᾶς, ὡς ὑπαρχούσης αὐτοῖς ὑποθήκης ἑτέρων τριάκοντα μνῶν, ὥστ' εἰς τάλαντον ἀργυρίου τὴν τιμὴν εἶναι τοῦ οἴνου καθισταμένην, σὺν τοῖς ἀναλώμασιν, οἷς ἔδει ἀναλίσκεσθαι εἰς τὴν [929] κατασκευὴν τὴν περὶ τὸν οἶνον· τὰ δὲ τρισχίλια κεράμια ἄγεσθαι ταῦτα εἰς τὸν Πόντον ἐν τῇ
- 19 εἰκοσόρῳ, ἣν Ὑβλήσιος ἐναυκλήρει. γέγραπται μὲν ταῦτα ἐν τῇ συγγραφῇ, ὡς ἄνδρες δικασταί, ἧς ὑμεῖς ἀκηκόατε· οὗτοι δ' ἀντὶ τῶν τρισχιλίων κεραμίων οὐδὲ πεντακόσια κεράμια εἰς τὸ πλοῖον ἐνέθεντο, ἀλλ' ἀντὶ τοῦ ἡγοράσθαι αὐτοῖς τὸν οἶνον, ὅσον προσῆκε, τοῖς χρήμασιν ἐχρῶντο ὅ τι ἐδόκει τούτοις, τὰ δὲ κεράμια τὰ τρισχίλια οὐδ' ἐμέλλησαν οὐδὲ διενόηθησαν ἐνθέσθαι εἰς τὸ πλοῖον κατὰ τὴν συγγραφὴν.

“Ὅτι δ' ἀληθῆ ταῦτα λέγω, λαβὲ τὴν μαρτυρίαν τῶν συμπλεόντων ἐν τῷ αὐτῷ πλοίῳ τούτοις.

### ΜΑΡΤΥΡΙΑ

- 20 Ἐρασικλῆς μαρτυρεῖ κυβερνᾶν τὴν ναῦν ἣν Ὑβλήσιος ἐναυκλήρει, καὶ εἰδέναί τινα Ἀπολλόδωρον ἀγόμενον ἐν τῷ πλοίῳ οἶνον Μειδαίου κεράμια τετρακόσια

<sup>a</sup> The κεράμιον held about six gallons.

<sup>b</sup> Perhaps a bit of carelessness on the part of the writer



## AGAINST LACRITUS, 17-20

secured the money, in no matter great or small did they carry out its provisions, as the facts themselves make clear. And in all these things this fellow Lacritus was the prime mover. I shall take up the clauses of the contract one by one, and shall show that in no single instance have these men done what was right.

In the first place it stands written that they 18 borrowed from us thirty minae on three thousand jars <sup>a</sup> of wine, giving out that they possessed security for thirty minae more, so that the price of the wine would amount to a talent of money, including the expenses to be incurred in the stowage of the wine; and that these three thousand jars were to be conveyed to Pontus in the twenty-oared ship, of which Hyblesius was owner. These provisions, men of the 19 jury, stand written in the agreement which you have heard. But instead of three thousand jars, these men did not put even five hundred on board the boat; and instead of having bought the quantity of wine which they should have, they used the money in whatever way they pleased; as for those three thousand jars which the agreement called for, they never meant nor intended to put them on board.

To prove that these statements of mine are true, take the deposition of those who sailed with them in the same ship.

### THE DEPOSITION

Erasicles deposes that he was pilot of the ship of which 20 Hyblesius was owner, and that to his knowledge Apollodorus <sup>b</sup> was conveying in the ship four hundred and fifty of this spurious deposition. In § 16 we are told that it was Artemo who was to sail with the cargo.

## DEMOSTHENES

πεντήκοντα, καὶ οὐ πλείω· ἄλλο δὲ μηδὲν ἀγώγιμον ἄγεσθαι ἐν τῷ πλοίῳ Ἀπολλόδωρον εἰς τὸν Πόντον.

Ἰππίας Ἀθηνίππου Ἀλικαρνασσεὺς μαρτυρεῖ συμπλεῖν ἐν τῇ Ὑβλησίου νηὶ διοπεύων τὴν ναῦν, καὶ εἰδέναι Ἀπολλόδωρον τὸν Φασηλίτην ἀγόμενον ἐν τῷ πλοίῳ ἐκ Μένδης εἰς τὸν Πόντον οἴνου Μενδαίου κεράμια τετρακόσια πενήκοντα, ἄλλο δὲ μηδὲν φορτίον.

Πρὸς τοῦσδ' ἐξεμαρτύρησεν Ἀρχιάδης Μνησωνίδου Ἀχαρνεύς· Σώστρατος Φιλίππου Ἰστιαιόθεν, Εὐμάριχος Εὐβοίου Ἰστιαιόθεν, Φιλτιάδης Κτησίου Ξυπεταιῶν, Διονύσιος Δημοκρατίδου Χολλείδης.

- 21 Περὶ μὲν οὖν τοῦ πλήθους τοῦ οἴνου, ὅσον ἔδει αὐτοὺς ἐνθέσθαι εἰς τὸ πλοῖον, ταῦτα διεπράξαντο, [930] καὶ ἤρξαντο εὐθὺς ἐντεῦθεν ἀπὸ τοῦ πρώτου γεγραμμένου παραβαίνειν καὶ μὴ ποιεῖν τὰ γεγραμμένα. μετὰ δὲ ταῦτ' ἔστιν ἐν τῇ συγγραφῇ, ὅτι ὑποτιθέασι ταῦτ' ἐλεύθερα καὶ οὐδενὶ οὐδὲν ὀφείλοντες, καὶ ὅτι οὐδ' ἐπιδανείσονται ἐπὶ τούτοις παρ' οὐδενός. 22 ταῦτα διαρρήδην γέγραπται, ὧ ἄνδρες δικασταί. οὗτοι δὲ τί ἐποίησαν; ἀμελήσαντες τῶν γεγραμμένων ἐν τῇ συγγραφῇ δανείζονται παρά τινος νεανίσκου, ἐξαπατήσαντες ὡς οὐδενὶ οὐδὲν ὀφείλοντες· καὶ ἡμᾶς τε παρεκρούσαντο καὶ ἔλαθον δανεισάμενοι ἐπὶ τοῖς ἡμετέροις, ἐκεῖνόν τε τὸν νεανίσκον τὸν δανείσαντα ἐξηπάτησαν ὡς ἐπ' ἐλευθέροις τοῖς χρήμασι δανειζόμενοι· τοιαῦτα τούτων ἔστι τὰ κακουργήματα. ταῦτα δὲ πάντ' ἔστι τὰ σοφίσματα Λακρίτου τουτουί.

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<sup>a</sup> Affidavits, taken down in writing in the presence of witnesses appointed for the purpose, and verified by them under oath, were accepted as evidence when the individuals could not be present in person.

jars of Mendaeian wine, and no more ; and that Apollodorus conveyed no other cargo in the ship to Pontus.

Hippias, son of Athenippus, of Halicarnassus, deposes that he too sailed in the ship of Hyblesius as supercargo of the vessel and that to his knowledge Apollodorus of Phaselis was conveying in the ship from Mendè to Pontus four hundred and fifty jars of Mendaeian wine, and no other cargo.

In addition to these, written affidavits <sup>a</sup> were submitted by Archiades, son of Mnesonidas, of Acharnae, Sostratus, son of Philip, of Histiaea, Eumarichus, son of Euboeus, of Histiaea, Philtiades, son of Ctesias, of Xypetè, and Dionysius, son of Democratides, of Cholleidae.<sup>b</sup>

In regard, then, to the quantity of wine which it <sup>21</sup> was their duty to put on board the ship that was what they contrived to do ; and from this point they began from its very first clause to violate the agreement and to fail to perform what it required. The next clause that stands written in the agreement states that they pledge these goods free from all encumbrances ; that they owe nothing to anyone upon them ; and that they will not secure further loans upon them from anyone. This is expressly stated, <sup>22</sup> men of the jury. But what have these men done ? Disregarding the terms of the agreement they borrow money from a certain youth, whom they deceived by stating that they owed nothing to anybody. Thus they cheated us, and without our knowledge borrowed money upon our security, and they also deceived that young man who lent them the money by alleging that the goods upon which they borrowed from him were unencumbered. Such are the rascalities of these men, and they are all clever devisings of this man Lacritus.

<sup>b</sup> Acharnae was a deme of the tribe Oeneis, Xypetè a deme of the tribe Cecropis, and Cholleidae a deme of the tribe Aegeis.

## DEMOSTHENES

“Ὅτι δ’ ἀληθῆ λέγω καὶ ἐπεδανείσαντο χρήματα  
παρὰ τὴν συγγραφὴν, μαρτυρίαν ἀναγνώσεται ὑμῖν  
23 αὐτοῦ τοῦ ἐπιδανείσαντος. λέγε τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

Ἄρατος Ἀλικαρνασσεὺς μαρτυρεῖ δανείσαι Ἀπολλο-  
δώρῳ ἑνδεκα μνᾶς ἀργυρίου ἐπὶ τῇ ἐμπορίᾳ, ἣν ἦγεν  
ἐν τῇ Ὑβλησίῳ νηὶ εἰς τὸν Πόντον, καὶ τοῖς ἐκείθεν  
ἀνταγορασθεῖσι, καὶ μὴ εἰδέναι αὐτὸν δεδανεισμένον  
παρὰ Ἀνδροκλέους ἀργύριον· οὐ γὰρ ἂν δανείσαι αὐτὸς  
Ἀπολλοδώρῳ τὸ ἀργύριον.

- 24 Αἱ μὲν πανουργίαι τοιαῦται τῶν ἀνθρώπων τού-  
των εἰσίν. γέγραπται δὲ μετὰ ταῦτα ἐν τῇ συγ-  
γραφῇ, ὡς ἄνδρες δικασταί, ἐπειδὴν ἀποδῶνται ἐν  
[931] τῷ Πόντῳ ἃ ἦγον, πάλιν ἀνταγοράζειν χρήματα καὶ  
ἀντιφορτίζεσθαι καὶ ἀπάγειν Ἀθήναζε τὰ ἀντι-  
φορτισθέντα, καὶ ἐπειδὴν ἀφίκωνται Ἀθήναζε, ἀπο-  
δοῦναι εἴκοσιν ἡμερῶν τὸ ἀργύριον ἡμῖν δόκιμον·  
ἕως δ’ ἂν ἀποδῶσι, κρατεῖν τῶν χρημάτων ἡμᾶς,  
καὶ ἀνέπαφα παρέχειν τούτους, ἕως ἂν ἀπολάβωμεν.
- 25 γέγραπται μὲν ταῦτα οὕτως ἄκριβῶς ἐν τῇ συγ-  
γραφῇ· οὗτοι δ’, ὡς ἄνδρες δικασταί, ἐνταῦθα καὶ  
ἐπεδείξαντο μάλιστα τὴν ὕβριν καὶ τὴν ἀναίδειαν  
τὴν ἑαυτῶν, καὶ ὅτι οὐδὲ μικρὸν προσείχον τοῖς  
γράμμασι τοῖς γεγραμμένοις ἐν τῇ συγγραφῇ, ἀλλ’  
ἠγοῦντο εἶναι τὴν συγγραφὴν ἄλλως ὕθλον καὶ  
φλυαρίαν. οὔτε γὰρ ἀντηγόρασαν οὐδὲν ἐν τῷ  
Πόντῳ οὔτε ἀντεφορτίσαντο ὥστε ἄγειν Ἀθήναζε·  
ἡμεῖς τε οἱ δανείσαντες τὰ χρήματα ἠκόντων αὐτῶν

<sup>a</sup> Certified, that is, as to weight and fineness. Tampering with gold and silver coins seems not to be a merely modern device.

## AGAINST LACRITUS, 22-25

To prove that I am speaking the truth and that they did borrow additional sums contrary to the agreement, the clerk shall read you the deposition of the man himself who made the additional loan. Read the deposition.

23

### THE DEPOSITION

Aratus of Halicarnassus deposes that he lent to Apollodorus eleven minae in silver on the merchandise which he was conveying in the ship of Hyblesius to Pontus, and on the goods purchased there as a return cargo; and that he was unaware that the defendant had borrowed money from Androcles; for otherwise he would not himself have lent the money to Apollodorus.

Such are the rascalities of these men. But after 24 this it stands written in the agreement, men of the jury, that when they should have sold in Pontus the goods which they brought thither, they should purchase with the proceeds other goods as a return cargo, and should bring this return cargo back to Athens; and that when they should have reached Athens, they should within twenty days repay us in certified coin<sup>a</sup>; and that pending the payment we should have control of the goods, and that they should deliver them to us in their entirety until we should get back our money. These terms stand 25 written thus precisely in the agreement. But these people, men of the jury, have here shown most strikingly their own insolence and shamelessness, and that they paid not the slightest heed to the terms written in the agreement; but regarded the agreement as mere trash and nonsense. For they neither purchased any other goods in Pontus nor took on board any return cargo to be conveyed to Athens; and we who had lent the money, when

## DEMOSTHENES

- τούτων ἐκ τοῦ Πόντου οὐκ εἶχομεν ὅτου ἐπιλαβοί-  
 μεθα οὐδ' ὅτου κρατοῖμεν, ἕως κομισαίμεθα τὰ  
 ἡμέτερ' αὐτῶν· οὐδ' ὅτιοῦν γὰρ εἰσήγαγον εἰς τὸν  
 26 λιμένα τὸν ὑμέτερον οὔτοι. ἀλλὰ πεπόνθαμεν  
 καινότατον, ὧ ἄνδρες δικασταί· ἐν γὰρ τῇ πόλει τῇ  
 ἡμετέρα αὐτῶν, οὐδὲν ἀδικοῦντες οὐδέ δίκην ὠφλη-  
 κότες οὐδεμίαν τούτοις, σεσυλήμεθα τὰ ἡμέτερ'  
 αὐτῶν ὑπὸ Φασηλιτῶν, ὥσπερ δεδομένων συλῶν  
 Φασηλίταις κατ' Ἀθηναίων. ἐπειδὴν γὰρ μὴ  
 θέλωσιν ἀποδοῦναι ἃ ἔλαβον, τί ἂν τις ἄλλο ὄνομ'  
 ἔχοι θέσθαι τοῖς τοιούτοις,<sup>1</sup> ἢ ὅτι ἀφαιροῦνται βία  
 τὰ ἀλλότρια; ἐγὼ μὲν οὐδ' ἀκήκοα πώποτε  
 πρᾶγμα μιαρώτερον, ἢ ὃ οὔτοι διαπεπραγμένοι εἰσὶ  
 [932] 27 περὶ ἡμᾶς, καὶ ταῦθ' ὁμολογοῦντες λαβεῖν παρ'  
 ἡμῶν τὰ χρήματα. ὅσα μὲν γὰρ ἀμφισβητήσιμά  
 ἔστι τῶν συμβολαίων, κρίσεως δεῖται, ὧ ἄνδρες  
 δικασταί· τὰ δὲ παρ' ἀμφοτέρων ὁμολογηθέντα τῶν  
 συντιθεμένων, καὶ περὶ ὧν συγγραφαὶ κεῖνται ναυ-  
 τικαί, τέλος ἔχειν ἅπαντες νομίζουσι, καὶ χρῆσθαι  
 προσήκει τοῖς γεγραμμένοις. ὅτι δὲ κατὰ τὴν  
 συγγραφὴν οὐδ' ὅτιοῦν πεποιήκασιν, ἀλλ' εὐθύς ἀπ'  
 ἀρχῆς ἀρξάμενοι ἐκακοτέχνουν καὶ ἐπεβούλευον  
 μηδὲν ὑγιὲς ποιεῖν, ὑπὸ τε τῶν μαρτύρων καὶ αὐτοὶ  
 28 ὑφ' ἑαυτῶν ἐλέγχονται οὕτωςι καταφανῶς.
- 28 Ὁ δὲ πάντων δεινότατον διεπράξατο Λάκριτος  
 οὔτοςί, δεῖ ὑμᾶς ἀκοῦσαι· οὗτος γὰρ ἦν ὁ πάντα  
 ταῦτα διοικῶν. ἐπειδὴ γὰρ ἀφίκοντο δεῦρο, εἰς μὲν  
 τὸ ὑμέτερον ἐμπόριον οὐ καταπλέουσιν, εἰς φωρῶν

<sup>1</sup> τοῖς τοιούτοις] τῷ τοιούτῳ Blass.

<sup>a</sup> On the right of reprisal, cf. § 13 above, and see Smith, *Dictionary of Antiquities*, art. "Sylae."

these men themselves returned from Pontus, had nothing which we could lay hold of or keep in possession until we should recover our money; for these men brought nothing whatsoever into your harbour. Nay, we have suffered the most unheard-of treatment, men of the jury. In our own city, without 26 ourselves having committed any wrong, or having had judgement rendered against us in their favour, we have been robbed of our own possessions by these men who are Phaselites, just as if rights of reprisal had been given to Phaselites against Athenians." For when they refuse to pay back what they received, what other name can one give to such people, than that they take by force the goods of others? For my own part, I have never heard of a more abominable act than that which these men have committed in relation to us, and that, too, while admitting that they received the money from us. For whereas all 27 clauses in contracts which are open to dispute require a judicial decision, men of the jury, those on the contrary which are admitted by both the contracting parties, and concerning which there exist maritime agreements, are held by all men to be final; and the parties are bound to abide by what is written. That these men, however, have fulfilled not a single one of the provisions of the agreement, but that from the very first they meditated fraud and purposed dishonest action has been thus clearly proven against them by the depositions of witnesses and by themselves.

You must now hear the most outrageous thing 28 which this fellow Lacritus has done; for it was he who managed the whole affair. When they arrived here they did not put into your port, but came to

## DEMOSTHENES

δὲ λιμένα ὀρμίζονται, ὅς ἐστιν ἔξω τῶν σημείων  
 τοῦ ὑμετέρου ἐμπορίου, καὶ ἔστιν ὅμοιον εἰς φωρῶν  
 λιμένα ὀρμίσασθαι, ὥσπερ ἂν εἴ τις εἰς Αἴγιναν ἢ  
 εἰς Μέγαρα ὀρμίσειτο· ἔξεστι γὰρ ἀποπλεῖν ἐκ τοῦ  
 λιμένος τούτου ὅποι ἂν τις βούληται καὶ ὀπηνίκ' ἂν  
 29 δοκῇ αὐτῷ. καὶ τὸ μὲν πλοῖον ὄρμει ἐνταῦθα  
 πλείους ἢ πέντε καὶ εἴκοσιν ἡμέρας, οὔτοι δὲ περι-  
 επάτουν ἐν τῷ δείγματι τῷ ὑμετέρῳ, καὶ ἡμεῖς  
 προσιόντες διελεγόμεθα, καὶ ἐκελεύομεν τούτους  
 ἐπιμελεῖσθαι ὅπως ἂν ὡς τάχιστ' ἀπολάβωμεν  
 τὰ χρήματα. οὔτοι δ' ὠμολόγουν τε καὶ ἔλεγον  
 ὅτι αὐτὰ ταῦτα περαίνοιεν. καὶ ἡμεῖς τούτοις τε  
 προσῆμεν, καὶ ἅμ' ἐπεσκοποῦμεν εἴ τι ἐξαιροῦνταιί  
 30 ποθεν ἐκ πλοίου ἢ πεντηκοστεύονται. ἐπειδὴ δ'  
 ἡμέραι τε ἦσαν συχναὶ ἐπιδημοῦσι τούτοις, ἡμεῖς  
 τ' οὐδ' ὀτιοῦν ἠύρισκομεν οὔτ' ἐξηρημένον οὔτε  
 [933] πεπεντηκοστευμένον ἐπὶ τῷ ὀνόματι τῷ τούτων,  
 ἐνταῦθ' ἤδη μᾶλλον προσεκέειμεθα ἀπαιτοῦντες.  
 καὶ ἐπειδὴ ἠνωχλοῦμεν αὐτοῖς, ἀποκρίνεται Λά-  
 κριτος οὔτοσί, ἀδελφὸς ὁ Ἀρτέμωνος, ὅτι οὐκ ἂν  
 οἰοί τ' εἶησαν ἀποδοῦναι, ἀλλ' ἀπόλωλεν ἅπαντα τὰ  
 χρήματα· καὶ ἔφη Λάκριτος δίκαιόν τι ἔχειν λέγειν  
 31 περὶ τούτων. καὶ ἡμεῖς, ὧ ἄνδρες δικασταί,  
 ἠγανακτοῦμεν ἐπὶ τοῖς λεγομένοις, πλέον δ' οὐδὲν  
 ἦν ἀγανακτοῦσιν ἡμῖν· τούτοις γὰρ οὐδ' ὀτιοῦν  
 ἔμελεν. οὐδὲν δ' ἤττον ἠρωτῶμεν αὐτούς, ὄντινα  
 τρόπον ἀπολωλότ' εἶη τὰ χρήματα. Λάκριτος δ'  
 οὔτοσί ναυαγῆσαι ἔφη τὸ πλοῖον παραπλέον ἐκ

<sup>a</sup> Some small inlet, which cannot be identified with certainty, used by thieves and smugglers. See Judeich, *Topographie von Athen*, p. 450.

<sup>b</sup> A place in the market where samples of goods could be displayed. Compare Oration L. § 24.



anchor in Thieves' Harbour,<sup>a</sup> which is outside of the signs marking your port ; and to anchor in Thieves' Harbour is the same as if one were to anchor in Aegina or Megara ; for anyone can sail forth from that harbour to whatever point he wishes and at any moment he pleases. Well, their vessel lay at anchor 29 there for more than twenty-five days, and these men walked about in your sample-market.<sup>b</sup> We on our part talked to them and bade them see to it that we received our money back as soon as possible ; and they agreed, and said they were trying to arrange that very thing. While we thus approached them, we at the same time kept an eye on them to see whether they disembarked anything from the ship, or paid any harbour-dues.<sup>c</sup> But when they had been in 30 town a good many days, and we found that nothing had been disembarked from the ship, nor had any harbour-dues been paid in their name, we began from then on to press them more and more with our demands. And when we made ourselves burdensome to them, this fellow Lacritus, the brother of Artemo, answered that they would be unable to pay us, for all their goods were lost ; and Lacritus declared he could make out a good case in the matter.<sup>d</sup> We, men 31 of the jury, were indignant at these words, but we gained nothing by our indignation, for these men cared not a fig for it. Nevertheless we asked them in what way the goods had been lost. This man, Lacritus, said that the ship had been wrecked while

<sup>c</sup> The books of the harbour-masters would show whether the tax of 2 per cent had been collected, and thus whether any goods had been landed.

<sup>d</sup> A sharp thrust at the sophist, ever ready " to make the worse the better reason."

## DEMOSTHENES

Παντικαπαίου εἰς Θεοδοσίαν, ναυαγήσαντος δὲ τοῦ  
 πλοίου ἀπολωλέναι τὰ χρήματα τοῖς ἀδελφοῖς τοῖς  
 ἑαυτοῦ, ἃ ἔτυχεν ἐν τῷ πλοίῳ ἐνόητα· ἐνεῖναι δὲ  
 τάριχός τε καὶ οἶνον Κῶνον καὶ ἄλλ' ἄττα, καὶ  
 ταῦτα ἔφασαν πάντα ἀντιφορτισθέντα μέλλειν ἀ-  
 32 ἀγειν Ἀθήναζε, εἰ μὴ ἀπώλετο ἐν τῷ πλοίῳ. καὶ ἃ  
 μὲν ἔλεγε, ταῦτ' ἦν· ἄξιον δ' ἀκούσαι τὴν βδελυρίαν  
 τῶν ἀνθρώπων τούτων καὶ τὴν ψευδολογίαν. πρὸς  
 τε γὰρ τὸ πλοῖον τὸ ναυαγήσαν οὐδὲν ἦν αὐτοῖς  
 συμβόλαιον, ἀλλ' ἦν ἕτερος ὁ δεδανεικῶς Ἀθήνηθεν  
 ἐπὶ τῷ ναύλῳ τῷ εἰς τὸν Πόντον καὶ ἐπ' αὐτῷ  
 τῷ πλοίῳ (Ἀντίπατρος ὄνομα ἦν τῷ δεδανεικῷτι,  
 Κιτιεὺς τὸ γένος)· τό τ' οἰνάριον τὸ Κῶνον ὀγδοή-  
 κοντα στάμνοι ἐξεστηκότος οἴνου, καὶ τὸ τάριχος  
 ἀνθρώπῳ τινὶ γεωργῷ παρεκομίζετο ἐν τῷ πλοίῳ  
 ἐκ Παντικαπαίου εἰς Θεοδοσίαν, τοῖς ἐργάταις τοῖς  
 περὶ τὴν γεωργίαν χρῆσθαι. τί οὖν ταύτας τὰς  
 33 προφάσεις λέγουσιν; οὐδὲν γὰρ προσήκει.

33  
 [934] Καί μοι λαβὲ τὴν μαρτυρίαν, πρῶτον μὲν τὴν  
 Ἀπολλωνίδου ὅτι Ἀντίπατρος ἦν ὁ δανείσας ἐπὶ  
 τῷ πλοίῳ, τούτοις δ' οὐδ' ὅτι οὖν προσήκει τῆς  
 ναυαγίας, ἔπειτα τὴν Ἐρασικλέους καὶ τὴν Ἰππίου,  
 ὅτι ὀγδοήκοντα μόνον κεράμια παρήγετο ἐν τῷ  
 πλοίῳ.

<sup>a</sup> Panticapaeum is the modern Kertsch, and Theodosia the modern Kaffa in the Crimea.

<sup>b</sup> The speaker's contention is that even if the ship was wrecked, that fact does not release Lacritus from his obliga-

sailing along the coast from Panticapaeum to Theodosia,<sup>a</sup> and that in the wreck of the vessel the goods of his brothers which were at the time on board were lost; there was on board salt fish, Coan wine, and sundry other things; this, they said, had been put on board as a return cargo, and they had intended to bring it to Athens, had it not been lost in the ship. That is what he said; but it is worth your while to <sup>32</sup> learn the abominable wickedness of these men, and their mendacity. Concerning the vessel which was wrecked they had no contract,<sup>b</sup> but it was another man who had lent from Athens upon the freight to Pontus, and on the vessel itself. (Antipater was the lender's name; he was a Citian<sup>c</sup> by birth.) The Coan wine (eighty jars of wine that had turned sour) and the salt fish were being transported in the vessel for a certain farmer from Panticapaeum to Theodosia for the use of the labourers on his farm. Why, then, do they keep alleging these excuses? It is in no wise fitting.

Now please take the depositions; first that of <sup>33</sup> Apollonides, showing that it was Antipater who lent money upon the vessel, and that these men were in no wise affected by the shipwreck; and then that of Erasicles and that of Hippias, showing that only eighty jars were being transported in the vessel.

tion; for the loan made by Androcles was secured not by the ship, which appears to have been mortgaged to Antipater, but upon the cargo of Mendaeian wine and the return cargo which was to have been brought from Pontus. The wares lost (by jettison when the ship was damaged) were not, the speaker holds, the return cargo. That the ship was not actually lost seems a necessary inference from § 28, where it is stated that she returned to Athens.

<sup>c</sup> Citium is a port in Cyprus.

# DEMOSTHENES

## ΜΑΡΤΥΡΙΑΙ

Ἀπολλωνίδης Ἀλικαρνασσεὺς μαρτυρεῖ εἰδέναι δανείσαντα Ἀντίπατρον, Κιτιέα τὸ γένος, χρήματα Ὑβλησίῳ εἰς τὸν Πόντον ἐπὶ τῇ νηὶ ἣν Ὑβλήσιος ἐναυκλήρει, καὶ τῷ ναύτῳ τῷ εἰς τὸν Πόντον κοινωεῖν δὲ καὶ αὐτὸς τῆς νεὸς Ὑβλησίῳ, καὶ συμπλεῖν ἑαυτοῦ οἰκέτας ἐν τῇ νηί, καὶ ὅτε διεφθάρῃ ἡ ναὺς, παρεῖναι τοὺς οἰκέτας τοὺς ἑαυτοῦ καὶ ἀπαγγέλλειν ἑαυτῷ, καὶ ὅτι ἡ ναὺς κενὴ διεφθάρῃ παραπλέονσα εἰς Θεοδοσίαν ἐκ Παντικαπαίου.

34 Ἐρασικλῆς μαρτυρεῖ συμπλεῖν Ὑβλησίῳ κυβερνῶν τὴν ναῦν τὴν εἰς τὸν Πόντον, καὶ ὅτε παρέπλει ἡ ναὺς εἰς Θεοδοσίαν ἐκ Παντικαπαίου, εἰδέναι κενὴν τὴν ναῦν παραπλέονσαν, καὶ Ἀπολλοδώρου αὐτοῦ τοῦ φεύγοντος γινῆ τὴν δίκην μὴ εἶναι οἶνον ἐν τῷ πλοίῳ, ἀλλὰ παράγεσθαι τῶν ἐκ Θεοδοσίας τινὲ οἶνον Κῶα κεράμια περὶ ὀγδοήκοντα.

Ἰππίας Ἀθηνίππου Ἀλικαρνασσεὺς μαρτυρεῖ συμπλεῖν Ὑβλησίῳ διοπεύων τὴν ναῦν, καὶ ὅτε παρέπλει ἡ ναὺς εἰς Θεοδοσίαν ἐκ Παντικαπαίου, ἐνθῆσθαι Ἀπολλόδωρον εἰς τὴν ναῦν ἐρίων ἀγγείων ἐν ἡ δύο καὶ ταρίχους κεράμια ἑνδεκα ἢ δώδεκα καὶ δέρματ' αἶγεια, δύο δέσμας ἢ τρεῖς, ἄλλο δ' οὐδέν.

Πρὸς τούσδ' ἐξεμαρτύρησεν Εὐφίλητος Δαμοτίμου Ἀφιδναῖος, Ἰππίας Τιμοξένου Θυμαϊτάδης, Σώστρατος [935] Φιλίππου Ἰστιαιόθεν, Ἀρχενομίδης Στράτωνος Θριασίος, Φιλτιάδης Κτησικλέους Ξυπεταίων.

35 Ἡ μὲν ἀναΐδεια τοιαύτη τῶν ἀνθρώπων τούτων ἐστίν. ὑμεῖς δ', ὦ ἄνδρες δικασταί, ἐνθυμεῖσθε

<sup>a</sup> No full cargo, that is ; merely the salt fish and the Coan wine mentioned above.

## AGAINST LACRITUS, 33-35

### THE DEPOSITIONS

Apollonides of Halicarnassus deposes that to his knowledge Antipater, a Citian by birth, lent money to Hyblesius for a voyage to Pontus on the ship of which Hyblesius was in command, and on the freight to Pontus, and that he was himself part-owner of the ship with Hyblesius; that slaves of his own were passengers on the ship; and that, when the ship was wrecked, his servants were present and reported the fact to him, and also the further fact that the ship, having no cargo,<sup>a</sup> was wrecked while sailing along the coast to Theodosia from Panticapaeum.

Erasicles deposes that he sailed with Hyblesius as pilot of 34 the ship to Pontus, and when the ship was sailing along the coast to Theodosia from Panticapaeum he knows that the ship had no cargo: and that Apollodorus, the very man who is now defendant in this suit,<sup>b</sup> had no wine on board the vessel, but that about eighty jars of Coan wine were being conveyed for a certain man of Theodosia.

Hippias, son of Athenippus, of Halicarnassus, deposes that he sailed with Hyblesius as supercargo of the ship, and that when the ship was sailing along the coast to Theodosia from Panticapaeum, Apollodorus put on board the ship one or two hampers of wool, eleven or twelve jars of salt fish, and goat-skins—two or three bundles—and nothing else.

In addition to these, written affidavits<sup>c</sup> were submitted by Euphiletus, son of Damotimus, of Aphidnae, Hippias, son of Timoxenus, of Thymaetadae, Sostratus, son of Philip, of Histiaea, Archenomides, son of Strato, of Thria, and Philtiades, son of Ctesicles, of Xypetê.<sup>d</sup>

Such is the shamelessness of these men. Now, men 35 of the jury, take thought in your own minds, whether

<sup>b</sup> If this clause is not an interpolation, we must assume that Apollodorus was being sued as co-defendant with Lacritus. But this whole inserted document may well be spurious.

<sup>c</sup> See note *a* above, p. 290.

<sup>d</sup> Aphidnae was a deme of the tribe Acantis; Thymaetadae, a deme of the tribe Hippothontis; Thria, a deme of the tribe Oeneis; and Xypetê, a deme of the tribe Cecropis.

## DEMOSTHENES

πρὸς ὑμᾶς αὐτοὺς, εἴ τινες πώποτ' ἴστε ἢ ἠκούσατε οἶνον Ἀθήναζε ἐκ τοῦ Πόντου κατ' ἐμπορίαν εἰσαγαγόντας, ἄλλως τε καὶ Κῶον. πᾶν γὰρ δήπου τοῦναντίον εἰς τὸν Πόντον ὁ οἶνος εἰσάγεται ἐκ τῶν τόπων τῶν περὶ ἡμᾶς, ἐκ Πεπαρήθου καὶ Κῶ καὶ Θάσιος καὶ Μενδαῖος καὶ ἐξ ἄλλων πόλεων παντοδαπός· ἐκ δὲ τοῦ Πόντου ἕτερα ἔστιν ἃ εἰσάγεται δεῦρο.

<sup>36</sup>  
[936] Κατεχόμενοι δ' ὑφ' ἡμῶν καὶ ἐλεγχόμενοι εἴ τι περιγένοιτο τῶν χρημάτων ἐν τῷ Πόντῳ, ἀπεκρίνατο Λάκριτος οὕτως, ὅτι ἑκατὸν στατήρες Κυζικηνοὶ περιγένοιτο, καὶ τοῦτο τὸ χρυσίον δεδανεικῶς εἶη ἀδελφὸς αὐτοῦ ἐν τῷ Πόντῳ ναυκλήρῳ, τινὶ Φασηλίτῃ, πολίτῃ καὶ ἐπιτηδεῖω ἑαυτοῦ, καὶ οὐ δύναίτο κομίσασθαι, ἀλλὰ σχεδόν τι ἀπολωλὸς  
<sup>37</sup> εἶη καὶ τοῦτο. ταῦτ' ἔστιν ἃ ἔλεγε Λάκριτος οὕτως. ἢ δὲ συγγραφὴ οὐ ταῦτα λέγει, ὡς ἄνδρες δικασταί, ἀλλ' ἀντιφορτισαμένους ἀπάγειν κελεύει Ἀθήναζε, οὐ δανείζειν τούτους ὅτῳ ἂν βούλωνται ἐν τῷ Πόντῳ τὰ ἡμέτερα ἄνευ ἡμῶν, ἀλλ' Ἀθήναζε παρέχειν ἀνέπαφα ἡμῖν, ἕως ἂν ἡμεῖς ἀπολάβωμεν τὰ χρήματα ὅσ' ἔδανείσαμεν.

Καί μοι ἀναγίγνωσκε τὴν συγγραφὴν πάλιν.

### ΣΥΓΓΡΑΦΗ

<sup>38</sup>  
[937] Πότερον, ὡς ἄνδρες δικασταί, δανείζειν κελεύει τούτους ἢ συγγραφὴ τὰ ἡμέτερα, καὶ ταῦτ' ἀνθρώπῳ ὃν ἡμεῖς οὔτε γινώσκομεν οὔθ' ἐοράκαμεν πώποτε, ἢ ἀντιφορτισαμένους κομίσαι Ἀθήναζε  
<sup>39</sup> καὶ φανερὰ ποιῆσαι ἡμῖν καὶ ἀνέπαφα παρέχειν; ἢ μὲν γὰρ συγγραφὴ οὐδὲν κυριώτερον ἔῃ εἶναι τῶν

## AGAINST LACRITUS, 35-39

you ever knew or heard of any people importing wine by way of trade from Pontus to Athens, and especially Coan wine. The very opposite is, of course, the case. Wine is carried to Pontus from places around us, from Peparethus, and Cos, and Thasos <sup>a</sup> and Mendê, and from all sorts of other places ; whereas the things imported here from Pontus are quite different.

When we refused to let them off, and questioned <sup>36</sup> them as to whether any of the goods were saved in Pontus, the defendant, Lacritus, answered that one hundred Cyzicene staters <sup>b</sup> were saved ; and that his brother had lent this sum in gold in Pontus to a certain shipowner of Phaselis, a fellow-countryman and friend of his ; and that he was unable to get it back, so that this also was as good as lost. This is <sup>37</sup> what was said by this fellow, Lacritus ; but the agreement, men of the jury, does not say this. It bids these men to take on board a return cargo, and bring it back to Athens ; not to lend our property without our consent to whomsoever in Pontus they pleased, but to deliver it in its entirety to us at Athens, until we should recover all the money which we had lent.

Now, please read the agreement again.

### THE AGREEMENT IS READ AGAIN

Does the agreement, men of the jury, bid these <sup>38</sup> men lend our money, and that to a man whom we do not know, and have never seen ? or does it bid them put on board their ship a return cargo and convey it to Athens, and there display it to us, and deliver it to us in its entirety ? The agreement does <sup>39</sup> not permit anything to have greater effect than the

<sup>a</sup> Peparethus, Cos, and Thasos were all islands in the Aegean.

<sup>b</sup> See note *a* on Oration XXXIV. p. 252.

## DEMOSTHENES

ἐγγεγραμμένων, οὐδὲ προσφέρειν οὔτε νόμον οὔτε ψήφισμα οὔτ' ἄλλ' οὐδ' ὀτιοῦν πρὸς τὴν συγγραφὴν· τούτοις δ' εὐθύς ἐξ ἀρχῆς οὐδὲν ἐμέλησε τῆς συγγραφῆς ταύτης, ἀλλὰ τοῖς χρήμασι ἐχρῶντο τοῖς ἡμετέροις ὥσπερ ἰδίοις οὔσιν αὐτῶν· οὕτως εἰσὶν οὔτοι κακοῦργοι σοφισταὶ καὶ ἄδικοι ἄνθρωποι.

- 40 ἐγὼ δέ, μὰ τὸν Δία τὸν ἄνακτα καὶ τοὺς θεοὺς ἅπαντας, οὐδεπώποτ' ἐφθόνησα οὐδ' ἐπετίμησα, ὧ ἄνδρες δικασταί, εἴ τις βούλεται σοφιστῆς εἶναι καὶ Ἰσοκράτει ἀργύριον ἀναλίσκειν· μαινοίμην γὰρ ἂν, εἴ τί μοι τούτων ἐπιμελὲς εἴη. οὐ μέντοι μὰ Δία οἶμαί γε δεῖν ἄνθρώπους καταφρονοῦντας καὶ οἰομένους δεινοὺς εἶναι ἐφίεσθαι τῶν ἀλλοτρίων, οὐδ' ἀφαιρεῖσθαι, τῷ λόγῳ πιστεύοντας· πονηροῦ γὰρ
- 41 ταῦτά γ' ἐστὶ σοφιστοῦ καὶ οἰμωξομένου. Λάκριτος  
[938] δ' οὔτοςί, ὧ ἄνδρες δικασταί, οὐ τῷ δικαίῳ πιστεύων εἰσελήλυθε ταύτην τὴν δίκην, ἀλλ' ἀκριβῶς εἰδὼς τὰ πεπραγμέν' ἑαυτοῖς περὶ τὸ δάνεισμα τοῦτο, καὶ ἡγούμενος δεινὸς εἶναι καὶ ῥαδίως λόγους ποριεῖσθαι περὶ ἀδίκων πραγμάτων, οἷεται παράξειν ὑμᾶς ὅποι ἂν βούληται. ταῦτα γὰρ ἐπαγγέλλεται καὶ δεινὸς εἶναι, καὶ ἀργύριον αἰτεῖ καὶ μαθητὰς συλλέγει περὶ αὐτῶν τούτων ἐπαγγελλόμενος παιδεύειν.
- 42 καὶ πρῶτον μὲν τοὺς ἀδελφοὺς τοὺς αὐτοῦ ἐπαίδευσε τὴν παιδείαν ταύτην, ἣν ὑμεῖς αἰσθάνεσθε πονηρὰν καὶ ἄδικον, ὧ ἄνδρες δικασταί, δανεῖζεσθαι ἐν τῷ ἐμπορίῳ ναυτικὰ χρήματα καὶ ταῦτ' ἀποστερεῖν καὶ μὴ ἀποδιδόναι. πῶς ἂν γένοιτο πονηρότεροι ἄνθρωποι ἢ τοῦ παιδεύον-

<sup>a</sup> The close parallel between this passage and the portrayal



terms contained in it, nor that anyone should bring forward any law or decree or anything else whatever to contravene its provisions ; yet these men from the very outset paid no heed to this agreement, but made use of our money as if it had been their very own ; so rascally are they as sophists and dishonest as men. For my own part, I swear by Zeus the king and by <sup>40</sup> all the gods, I never made it a matter of reproach to anyone, men of the jury, nor blamed him, if he chose to be a sophist and to pay money to Isocrates ; I should be mad if I concerned myself about anything of that sort. But, by Zeus, I do not think it right that men, because they look down on people and think themselves clever, should covet the property of others and seek to defraud them, trusting in their power of speech. That is the part of a rascally sophist, who should be made to suffer for it. This fellow Lacritus, <sup>41</sup> men of the jury, has not come into court relying on the justice of his case, but realizing perfectly what he and his brothers have done in the matter of this loan ; and because he considers that he is clever and will easily provide arguments to defend evil practices,<sup>a</sup> he thinks he will lead you astray just as he pleases. For it is precisely in these matters that he professes himself to be clever, and he asks money, and collects pupils, promising to instruct them in these very things. In the first place, he instructed <sup>42</sup> his own brothers in this art, which you, men of the jury, see to be evil and unjust—the art of borrowing on your exchange money for a maritime adventure, and then defrauding the lenders, and refusing to pay them. How could there be men baser than of the “ school ” of Socrates in the *Clouds* of Aristophanes will hardly escape the reader.

τος τὰ τοιαῦτα ἢ αὐτῶν τῶν παιδευομένων; ἐπεὶ  
 δ' οὖν δεινὸς ἐστὶ καὶ πιστεύει τῷ λέγειν καὶ ταῖς  
 43 χιλίαις δραχμαῖς, αἷς δέδωκε τῷ διδασκάλῳ, κελεύ-  
 σατε αὐτὸν διδάξαι ὑμᾶς, ἢ ὡς τὰ χρήματ' οὐκ  
 ἔλαβον παρ' ἡμῶν, ἢ ὡς λαβόντες ἀποδεδώκασιν, ἢ  
 ὅτι τὰς ναυτικὰς συγγραφὰς οὐ δεῖ κυρίας εἶναι, ἢ  
 ὡς δεῖ ἄλλο τι χρῆσασθαι τοῖς χρήμασιν ἢ ἐφ' οἷς  
 ἔλαβον κατὰ τὴν συγγραφὴν. τούτων ὅ τι βούλεται  
 πεισάτω ὑμᾶς. καὶ ἔγωγε καὶ αὐτὸς συγχωρῶ  
 σοφώτατον εἶναι τοῦτον, ἐὰν ὑμᾶς πείσῃ τοὺς περὶ  
 τῶν συμβολαίων τῶν ἐμπορικῶν δικάζοντας. ἀλλ'  
 εὖ οἶδ' ὅτι οὐδὲν ἂν τούτων οἷός τ' εἴη οὗτος οὔτε  
 διδάξαι οὔτε πείσαι.

44 Χωρὶς δὲ τούτων, φέρε πρὸς τῶν θεῶν, ὦ ἄνδρες  
 [939] δικασταί, εἰ τούναντίον συνεβεβήκει, μὴ ὁ τούτου  
 ἀδελφὸς ὁ τετελευτηκῶς ἐμοὶ ὄφειλε χρήματα, ἀλλ'  
 ἐγὼ τῷ τούτου,<sup>1</sup> τάλαντον ἢ ὀγδοήκοντα μνᾶς ἢ  
 πλεόν ἢ ἔλαττον, ἀρ' ἂν οἴεσθε Λάκριτον τουτονί,  
 ὦ ἄνδρες δικασταί, τοὺς αὐτοὺς λόγους λέγειν,  
 οἷσπερ νυνὶ καταχρῆται, ἢ φάσκειν ἂν αὐτὸν οὐκ  
 εἶναι κληρονόμον ἢ ἀφίστασθαι τῶν τοῦ ἀδελφοῦ,  
 καὶ οὐκ ἂν πάνυ πικρῶς εἰσπράττειν με, ὥσπερ καὶ  
 παρὰ τῶν ἄλλων εἰσπέπρακται, εἴ τίς τι ἐκείνῳ τῷ  
 τετελευτηκότῳ ὄφειλεν ἢ ἐν Φασήλιδι ἢ ἄλλοθί που;  
 45 καὶ εἶγε τις ἡμῶν φεύγων δίκην ὑπὸ τούτου παρα-  
 γραφὴν ἐτόλμησε παραγράφεσθαι, μὴ εἰσαγώγιμον  
 εἶναι τὴν δίκην, εὖ οἶδ' ὅτι ἡγανάκτει ἂν οὗτος καὶ  
 ἐσχετλίαζε πρὸς ὑμᾶς, δεινὰ φάσκων πάσχειν καὶ  
 παρανομεῖσθαι, εἴ μὴ τις αὐτῷ τὴν δίκην ψηφιεῖται

<sup>1</sup> τούτου] τούτων Blass.

the one who teaches such an art, or than those who learn of him? Since, then, he is so clever, and trusts in his power of speaking and in the one thousand drachmae which he has paid to his teacher, bid him show you, either that they did not borrow 43 the money from us, or that, having borrowed it, they have paid it back; or that agreements for overseas trade ought not to be binding; or that it is right for people to use money for some other purpose than that for which they received it under agreement. Let him prove to you whatever one of these propositions he chooses. If he can so prove it to you who sit to decide cases of mercantile contracts, I certainly concede that he is the cleverest of men. But I know well that he would not be able to prove it to you or induce you to believe any one of them.

But apart from all this, suppose, by heaven, men 44 of the jury, that the case were reversed,—that it was not this man's dead brother who owed me the money, but that I owed *his* brother a talent, or eighty minae, or more or less; do you fancy that this fellow, Lacritus, would employ the same language that he now so lavishly uses? or would say that he is not the heir and has nothing to do with his brother's affairs? or that he would not exact payment from me mercilessly, as he has from the others who owed anything to the deceased, whether in Phaselis or anywhere else? And, if any one of us, being defendant 45 in a suit brought by him, had dared to enter a special plea declaring that the action was not one that could be brought into court, I know well that he would have waxed indignant, and would have protested to you, declaring that he was suffering treatment that was outrageous and contrary to law, if anyone voted

## DEMOSTHENES

εἰσαγώγιμον εἶναι, ἐμπορικὴν οὖσαν. ἔπειτα, ὦ  
 Λάκριτε, σοὶ μὲν τοῦτο δίκαιον δοκεῖ εἶναι, ἐμοὶ  
 δὲ διὰ τί οὐκ ἔσται; οὐχ ἅπασιν ἡμῖν οἱ αὐτοὶ  
 νόμοι γεγραμμένοι εἰσὶ καὶ τὸ αὐτὸ δίκαιον περὶ  
 46 τῶν ἐμπορικῶν δικῶν; ἀλλ' οὕτω βδελυρὸς τίς  
 ἐστὶ καὶ ὑπερβάλλων ἅπαντας ἀνθρώπους τῷ  
 πονηρὸς εἶναι, ὥστ' ἐπιχειρεῖ πείθειν ὑμᾶς ψηφίσα-  
 σθαι μὴ εἰσαγώγιμον εἶναι τὴν ἐμπορικὴν δίκην  
 ταύτην, δικαζόντων ὑμῶν νυνὶ τὰς ἐμπορικὰς δίκας.  
 Ἄλλὰ τί κελεύεις, ὦ Λάκριτε; μὴ ἴκανὸν εἶναι  
 ἡμᾶς ἀποστερεῖσθαι ἃ ἐδανείσαμεν χρήματα ὑμῖν,  
 ἀλλὰ καὶ εἰς τὸ δεσμωτήριον παραδοθῆναι ὑφ'  
 ὑμῶν προσοφλόντας τὰ ἐπιτίμια, ἐὰν μὴ ἐκτίνωμεν;  
 47 καὶ πῶς οὐκ ἂν δεινὸν εἴη καὶ σκέτλιον καὶ αἰσχρὸν  
 [940] ὑμῖν, ὦ ἄνδρες δικασταί, εἰ οἱ δανείσαντες ἐν  
 τῷ ἐμπορίῳ τῷ ὑμετέρῳ χρήματα ναυτικὰ καὶ  
 ἀποστερούμενοι ὑπὸ τῶν δανεισαμένων καὶ ἀπο-  
 στερούντων ἀπάγοντο εἰς τὸ δεσμωτήριον; ταῦτ'  
 ἐστίν, ὦ Λάκριτε, ἃ τουτουσί πείθεις; ἀλλὰ ποῦ  
 χρὴ λαβεῖν δίκην, ὦ ἄνδρες δικασταί, περὶ τῶν  
 ἐμπορικῶν συμβολαίων; παρὰ ποίᾳ ἀρχῇ ἢ ἐν τίνι  
 χρόνῳ; παρὰ τοῖς ἔνδεκα; ἀλλὰ τοιχωρύχους καὶ  
 κλέπτας καὶ τοὺς ἄλλους κακούργους τοὺς ἐπὶ  
 θανάτῳ οὗτοι εἰσάγουσιν. ἀλλὰ παρὰ τῷ ἄρχοντι;  
 48 οὐκοῦν ἐπικλήρων καὶ ὀρφανῶν καὶ τῶν τοκέων τῷ  
 ἄρχοντι προστέτακται ἐπιμελεῖσθαι. ἀλλὰ νῆ Δία  
 παρὰ τῷ βασιλεῖ; ἀλλ' οὐκ ἐσμέν γυμνασίαρχοι,

<sup>a</sup> A board of police commissioners, having jurisdiction in the case of capital crimes, and charged with the custody of those convicted.

<sup>b</sup> *The archon* (ἐπώνυμος) had the duty of passing judgement

that his action, being a mercantile one, was not one that could be brought. Then, Lacritus, if you consider this just for yourself, why should it not be just for me? Do not the same laws stand written for us all? and have we not all the same rights in regard to mercantile suits? But he is a man 46 so vile, so surpassing all human kind in baseness, that he seeks to induce you to vote that this mercantile action cannot be brought when you are now sitting to judge mercantile suits.

What is it you would have, Lacritus? Is it not enough that we should be robbed of the money we lent you but should we also be given over to prison by you, if we do not pay the costs adjudged against us? Would it not be outrageous, and cruel, and shameful. 47 for you, men of the jury, if those who have lent money in your port for an adventure overseas, and have been defrauded of it, should be led off to prison by those who borrowed and are seeking to evade payment? Is it this, Lacritus, that you would have these gentlemen sanction? But, men of the jury, where are we to obtain justice in the matter of commercial contracts? before what magistrates, or at what time? Before the Eleven<sup>a</sup>? But they bring into court burglars and thieves and other evil-doers who are charged with capital crimes. Before the Archon<sup>b</sup>? But it is for heiresses, and orphans, and parents that 48 the Archon is appointed to care. Then before the King-archon<sup>c</sup>? But we are not gymnesiarchs, nor upon complaints of parents, orphans, and unmarried girls who had inherited property. See Aristotle, *Constitution of Athens*, 56. 6-7.

<sup>c</sup> The functions of the King-archon were largely religious, and the gymnesiarchs, or superintendents of the festal games, were under his control. See Aristotle, *ibid.* 57.

## DEMOSTHENES

οὐδὲ ἀσεβείας οὐδένα γραφόμεθα. ἀλλ' ὁ πολέμαρχος εἰσάξει. ἀποστασίου γε καὶ ἀπροστασίου. οὐκοῦν ὑπόλοιπόν ἐστιν οἱ στρατηγοί. ἀλλὰ τοὺς τριηράρχους καθιστάσιν, ἐμπορικὴν δὲ δίκην οὐδεμίαν εἰσάγουσιν. ἐγὼ δ' εἰμὶ ἔμπορος, καὶ σὺ  
 49 ἀδελφὸς καὶ κληρονόμος ἐνὸς τῶν ἐμπόρων τοῦ λαβόντος παρ' ἡμῶν τὰ ἐμπορικὰ χρήματα. ποῖ οὖν δεῖ ταύτην εἰσελθεῖν τὴν δίκην; δίδαξον, ὦ Λάκριτε, μόνον δίκαιόν τι λέγων καὶ κατὰ τοὺς νόμους. ἀλλ' οὐκ ἔστιν οὕτω δεινὸς ἄνθρωπος οὐδεὶς, ὅστις ἂν περὶ τοιούτων πραγμάτων ἔχοι τι δίκαιον εἰπεῖν.

50 Οὐ τοίνυν ταῦτα μόνον, ὦ ἄνδρες δικασταί, δεινὰ ἐγὼ πάσχω ὑπὸ Λακρίτου τουτουί, ἀλλὰ καὶ χωρὶς τοῦ ἀποστερεῖσθαι τὰ χρήματα εἰς τοὺς ἐσχάτους ἂν κινδύνους ἀφικόμην τὸ τούτου μέρος, εἰ μὴ μοι  
 [941] ἢ συγγραφὴ ἐβοήθει ἢ πρὸς τούτους, καὶ ἐμαρτύρει ὅτι εἰς τὸν Πόντον ἔδωκα τὰ χρήματα καὶ πάλιν Ἀθήναζε. ἴστε γάρ, ὦ ἄνδρες δικασταί, τὸν νόμον ὡς χαλεπὸς ἐστιν, εἴαν τις Ἀθηναίων ἄλλοσέ ποι σιτηγῆση ἢ Ἀθήναζε, ἢ χρήματα δανείσῃ εἰς ἄλλο τι ἐμπόριον ἢ τὸ Ἀθηναίων, οἶαι ζημίαι περὶ τούτων εἰσίν, ὡς μεγάλαι καὶ δειναί.

51 Μᾶλλον δ' αὐτὸν ἀνάγνωθι αὐτοῖς τὸν νόμον, ἵν' ἀκριβέστερον μάθωσιν.

### ΝΟΜΟΣ

Ἀργύριον δὲ μὴ ἐξεῖναι ἐκδοῦναι Ἀθηναίων καὶ τῶν μετοίκων τῶν Ἀθήνησι μετοικοίντων μηδενί, μηδὲ ὧν

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<sup>a</sup> The third archon, originally minister of war, presided over the court in which cases regarding the rights of aliens were settled. See Aristotle, *Constitution of Athens*, 58.

are we indicting anyone for impiety. Or will the Polemarch <sup>a</sup> bring us into court? Yes, for disregard of a patron, or for having no patron.<sup>b</sup> Well then, the Generals <sup>c</sup> are left. But they appoint the trierarchs; they bring no mercantile suits into court. I, 49 however, am a merchant, and you are the brother and heir of a merchant, who got from me money for a mercantile venture. Before whom, then, should this suit be entered? Tell me, Lacritus; only say what is just and according to law. But there lives no man clever enough to be able to say anything that is just in connexion with a case like yours.

It is not in these matters only, men of the jury, 50 that I have suffered outrageous wrongs at the hands of this man Lacritus; for, besides being defrauded of my money, I should have been brought into the gravest danger, so far as his power went, if the agreement made with these men had not come to my aid by bearing witness that I lent the money for a voyage to Pontus and back to Athens. For you know, men of the jury, how severe the law is, if any Athenian transports corn to any other port than the port of Athens, or lends money for use in any market save that of Athens; you know what penalties there are in such cases, and how severe and to be dreaded they are.

However, read them the law itself, that they may 51 have more exact information.

#### THE LAW

It shall be unlawful for any Athenian or any alien residing at Athens or for any person over whom they have control,

<sup>b</sup> A resident alien was required to be enrolled under some citizen as patron.

<sup>c</sup> Ten Generals were appointed annually, one of whom had judicial functions connected with the appointment of trierarchs. See Aristotle, *Constitution of Athens*, 61. 1.

## DEMOSTHENES

οὔτοι κύριοί εἰσιν, εἰς ναῦν ἦτις ἂν μὴ μέλλῃ ἄξει σῖτον Ἀθήναζε, καὶ τᾶλλα τὰ γεγραμμένα περὶ ἐκάστου αὐτῶν. ἔαν δέ τις ἐκδῶ παρὰ ταῦτ', εἶναι τὴν φάσιν καὶ τὴν ἀπογραφὴν τοῦ ἀργυρίου πρὸς τοὺς ἐπιμελητάς, καθάπερ τῆς νεὸς καὶ τοῦ σίτου εἴρηται, κατὰ ταῦτά. καὶ δίκη αὐτῷ μὴ ἔστω περὶ τοῦ ἀργυρίου, οὐδ' ἂν ἐκδῶ ἄλλοσέ ποι ἢ Ἀθήναζε· μηδὲ ἀρχὴ εἰσαγέτω περὶ τούτου μηδεμία.

- 52 Ὁ μὲν νόμος, ὧ ἄνδρες δικασταί, οὕτω χαλεπός ἐστιν· οὔτοι δ' οἱ μιαρώτατοι ἀνθρώπων ἀπάντων, γεγραμμένον διαρρήδη ἐν τῇ συγγραφῇ Ἀθήναζε πάλιν ἦκειν τὰ χρήματα, εἰς Χίον ἐπέτρεψαν καταχθῆναι ἃ ἐδανείσαντο Ἀθήνηθεν παρ' ἡμῶν. δανειζομένου γὰρ ἐν τῷ Πόντῳ τοῦ ναυκλήρου τοῦ Φασηλίτου ἕτερα χρήματα παρά τινος Χίου ἀνθρώπου, οὐ φάσκοντος δὲ τοῦ Χίου δανείσειν, ἔαν μὴ ὑποθήκην λάβῃ ἅπανθ' ὅσ' ἦν περὶ τὸν ναύκληρον, καὶ ἐπιτρέπωσι ταῦτα οἱ πρότερον δεδανεικότες,
- [942] ἐπέτρεψαν ταῦτα ὑποθήκην γενέσθαι τῷ Χίῳ τὰ
- 53 ἡμέτερα καὶ κύριον ἐκείνον γενέσθαι ἀπάντων, καὶ οὕτως ἀπέπλεον ἐκ τοῦ Πόντου μετὰ τοῦ Φασηλίτου ναυκλήρου καὶ μετὰ τοῦ Χίου τοῦ δεδανεικότητος, καὶ ὀρμίζονται ἐν φωρῶν λιμένι, εἰς δὲ τὸ ὑμέτερον ἐμπόριον οὐχ ὠρμίσαντο. καὶ νυνί, ὧ ἄνδρες δικασταί, τὰ Ἀθήνηθεν δανεισθέντα χρήματα εἰς τὸν Πόντον καὶ πάλιν ἐκ τοῦ Πόντου Ἀθήναζε
- 54 εἰς Χίον κατηγμένα ἐστὶν ὑπὸ τούτων. ὅπερ οὖν ἐν ἀρχῇ ὑπεθέμην τοῦ λόγου, ὅτι καὶ ὑμεῖς ἀδικεῖσθε οὐδὲν ἥττον τῶν δόντων ἡμῶν τὰ χρήματα. σκοπεῖτε δ', ὧ ἄνδρες δικασταί, πῶς οὐκ ἀδικεῖσθε,



to lend money on any vessel which is not going to bring to Athens grain or the other articles specifically mentioned.<sup>a</sup> And if any man lends out money contrary to this decree, information and an account of the money shall be laid before the harbour-masters in the same manner as is provided in regard to the ship and the grain. And he shall have no right to bring action for the money which he has lent for a voyage to any other place than to Athens, and no magistrate shall bring any such suit to trial.

The law, men of the jury, is thus severe. But these 52 men, the most abominable of humankind, although it stands expressly written in the agreement that the money should come back to Athens, allowed what they borrowed from us at Athens to be conveyed to Chios. For when the Phaselite shipowner wanted to borrow other money in Pontus from a certain Chian, and the Chian declared he would not lend it unless he should receive as security all the goods which the shipowner had on board or in his keeping, and unless those who had made the former loan should consent to this, these men nevertheless permitted these goods of ours to become security for the Chian, and put them all into his control. On 53 these terms they sailed back from Pontus with the Phaselite shipowner and the Chian who had made the loan, and put into 'Thieves' Harbour, without anchoring in your port. And now, men of the jury, money which was lent for a voyage from Athens to Pontus and back again from Pontus to Athens has been brought to Chios by these men. It is, therefore, just 54 as I assumed at the beginning of my speech—you are wronged no less than we who lent the money. Consider, men of the jury, how the wrong touches

<sup>a</sup> The reader does not quote the law in full, but abridges it, and adds this clause as a sort of "et cetera."

## DEMOSTHENES

ἐπειδάν τις τῶν νόμων τῶν ὑμετέρων κρείττων ἐγχειρῆ εἶναι, καὶ τὰς συγγραφὰς τὰς ναυτικὰς ἀκύρους ποιῆ καὶ καταλύη, καὶ τὰ χρήματα τὰ παρ' ἡμῶν εἰς Χίον ἢ διαπεσταλκῶς, πῶς οὐκ ἀδικεῖ ὁ τοιοῦτος ἄνθρωπος καὶ ὑμᾶς;

- 55 Ἐμοὶ μὲν οὖν ἔστιν, ὦ ἄνδρες δικασταί, πρὸς τούτους ὁ λόγος· τούτοις γὰρ ἔδωκα τὰ χρήματα. τούτοις δ' ἔσται πρὸς τὸν ναύκληρον ἐκείνον τὸν Φασηλίτην, τὸν πολίτην τὸν αὐτῶν, ᾧ φασὶ δανείσαι τὰ χρήματα ἄνευ ἡμῶν παρὰ τὴν συγγραφὴν· οὐδὲ γὰρ ἡμεῖς ἴσμεν τίνα ἔστι τὰ πεπραγμένα τούτοις πρὸς τὸν ἑαυτῶν πολίτην, ἀλλ' αὐτοὶ οὗτοι
- 56 ἴσασιν. ταῦτα ἡγούμεθα δίκαια εἶναι, καὶ ὑμῶν δεόμεθα, ὦ ἄνδρες δικασταί, βοηθεῖν ἡμῖν τοῖς ἀδικουμένοις, καὶ κολάζειν τοὺς κακοτεχνοῦντας καὶ σοφιζομένους, ὥσπερ οὗτοι σοφίζονται. καὶ ἐὰν ταῦτα ποιῆτε, ὑμῖν τε αὐτοῖς τὰ συμφέροντα ἔσεσθε ἐψηφισμένοι, καὶ περιαιρήσεσθε τῶν πονη-
- [943] ρῶν ἀνθρώπων τὰς πανουργίας ἀπάσας, ἃς ἔνιοι πανουργοῦσι περὶ τὰ συμβόλαια τὰ ναυτικά.

you also. When a man seeks to set himself above your laws, and makes of no effect nautical agreements, but does away with them, and has sent away to Chios money lent here on our exchange, is it not clear that such a man wrongs you as well as us?

My words, men of the jury, are addressed to these 55 people only, for it was to them that I lent the money. It will remain for them to deal with that Phaselite shipowner, their own countryman, to whom they say they lent the money unknown to us and contrary to the agreement. For we do not know what transactions were entered into by them with their countryman; but they know themselves. This we hold to be a just 56 course; and we beg you, men of the jury, to come to the aid of us who are being wronged, and to punish those who devise evil and resort to sophistries, as these men do. If you do this, you will be found to have decided in accordance with your own interests, and will rid yourselves of all the rascalities of unprincipled men, which certain ones of them are employing in regard to maritime contracts.



FOR PHORMIO



## INTRODUCTION

THE Phormio for whom this speech was written—quite a different person from the Phormio of Oration XXXIV.—had been a slave in the employ of Pasio, the banker, who was one of the notable figures in the business world of Athens in the early part of the fourth century B.C. Pasio had himself been originally a slave, but had been given his freedom by his employer, and had later on been granted the rights of citizenship because of his services to the state.

Phormio had long managed Pasio's business, a bank in Peiræus and a shield-factory, and had in turn been rewarded by receiving his freedom. At the time of Pasio's death, Phormio was operating both establishments on lease from Pasio.

Pasio left behind him at his death a widow, Archippê, and two sons, the elder, Apollodorus, twenty-four years old, and the young Pasicles, a minor of ten. By his will Pasio directed that Phormio should marry the widow and become one of the guardians of the minor son. The estate was to remain undivided, and Phormio was to continue as lessee of his bank and factory, until Pasicles should come of age; but we learn from the present speech, § 8, that, owing to the large drafts made by Apollodorus upon the property held in common, the guardians determined to protect the interests of his

## DEMOSTHENES

minor brother by making a distribution of the property. This was accordingly done, Phormio retaining the bank and the shield-factory, on which he paid the rental as lessee.

When Pasicles came of age, a final settlement was made. Phormio's lease was terminated, and he received a discharge from all liabilities. Apollodorus took charge of the factory and Pasicles of the bank.

At the death of Archippê, Apollodorus put in a claim for three thousand drachmae for property, alleged to be in Phormio's possession, and the matter was referred to private arbitrators. These decided in favour of the claimant, and Phormio paid the amount, receiving from Apollodorus a second release from all demands.

Nevertheless, some eighteen or twenty years after Pasio's death Apollodorus instituted the action with which the present speech is concerned. He brought suit against Phormio for twenty talents, alleging that banking stock left by Pasio had been fraudulently appropriated by Phormio. The latter denied the charge, and entered a special plea in bar of action. The plea is based upon the fact that Apollodorus had given him a release from all claims, and on the further fact that the statute of limitations forbade the bringing of the suit after the lapse of so many years. As in other similar cases, however, the speaker devotes more time to the discussion of the main issue than to arguments supporting the special plea.

This oration, universally accepted as a genuine work of Demosthenes, is also universally recognized as a masterpiece of forensic art. We learn from the speech of Apollodorus against Stephanus (Oration XLV.) that the court not only upheld the plea, but



## FOR PHORMIO

would not listen to him when he attempted to reply. He did not receive even a fifth part of the votes cast,<sup>a</sup> and was therefore condemned to pay the *ἐπωβολία*, or one-sixth of the amount claimed.

The interesting question of the relation of this oration to those of Apollodorus against Stephanus (whom he charged with giving false witness in the present trial), and the ethical problems involved, if those orations also come from Demosthenes, will be discussed in the introduction to Oration XLV.

This speech is discussed in Schaefer, iii.<sup>2</sup> pp. 164 ff., and in Blass, iii. pp. 461 ff.

<sup>a</sup> See note *a* on p. 50.

## XXXVI

## ΠΑΡΑΓΡΑΦΗ ΥΠΕΡ ΦΟΡΜΙΩΝΟΣ

Τὴν μὲν ἀπειρίαν τοῦ λέγειν, καὶ ὡς ἀδυνάτως ἔχει Φορμίων, αὐτοὶ πάντες ὁράτ', ὧ ἄνδρες Ἀθηναῖοι· ἀνάγκη δ' ἐστὶ τοῖς ἐπιτηδείοις ἡμῖν, ἃ σὺνισμεν πολλάκις τούτου διεξιόντος ἀκηκοότες, λέγειν καὶ διδάσκειν ὑμᾶς, ἢ εἰδότες καὶ μεμαθηκότες ὀρθῶς τὰ δίκαια παρ' ἡμῶν, ἂν ἢ δίκαια καὶ 2 εὖορκα, ταῦτα ψηφίσθηθε. τὴν μὲν οὖν παραγραφὴν ἐποιησάμεθα τῆς δίκης, οὐχ ἢ ἐκκρούοντες χρόνους ἐμποιῶμεν, ἀλλ' ἵνα τῶν πραγμάτων, ἐὰν ἐπιδείξη μῆδ' ὅτιοῦν ἀδικοῦνθ' ἑαυτὸν οὐτοσί, ἀπαλλαγὴ τις αὐτῷ γένηται παρ' ὑμῖν κυρία. ὅσα γὰρ παρὰ τοῖς ἄλλοις ἐστὶν ἀνθρώποις ἰσχυρὰ καὶ [945] βέβαια, ἄνευ τοῦ παρ' ὑμῖν ἀγωνίσασθαι, ταῦτα πάντα πεποικῶς Φορμίων οὐτοσί, καὶ πολλὰ μὲν 3 εὖ πεποικῶς Ἀπολλόδωρον τουτονί, πάντα δ', ὅσων κύριος τῶν τούτου κατελείφθη, διαλύσας καὶ παραδοὺς δικαίως, καὶ πάντων ἀφεθεῖς μετὰ ταῦτα

<sup>a</sup> This is not merely the conventional plea of inexperience (compare XXXIV. 1); Phormio was by now an old man, and further, since he was a manumitted slave, he can have had no training which would equip him for the task, and furthermore, he was, of course, of barbarian birth. His friends, therefore, came to his aid, and one of them speaks in his behalf.

## XXXVI

### A FRIEND, PLEADING FOR PHORMIO, A SPECIAL PLEA

PHORMIO'S inexperience in speaking,<sup>a</sup> and his utter helplessness, you all see for yourselves, men of Athens. It is necessary for us, his friends, to state and set forth for you the facts, which we know full well from having heard him often relate them; in order that, when you have duly learned from us and have come to know the rights of the case, you may give a verdict that is both just and in harmony with your oaths. We have put in a special plea in bar of action, 2 not that we may evade the issue and waste time, but that, if the defendant<sup>b</sup> shows that he has committed no wrong whatsoever, he may win in your court an acquittal which will be final. For all that in the minds of other people brings about a firm and lasting settlement without engaging in a trial before you—all this Phormio here has done; he has done many 3 kindnesses to this man Apollodorus; he has duly paid and delivered up to the plaintiff everything belonging to him of which he had been left in control, and has since received a discharge from all further claims;

<sup>b</sup> The terms "plaintiff" and "defendant," as used in the translation of this oration, apply to the suit brought against Phormio.

## DEMOSTHENES

τῶν ἐγκλημάτων, ὅμως, ὡς ὀράτ', ἐπειδὴ φέρειν τοῦτον οὐχ οἷός τ' ἐστί, δίκην ταλάντων εἴκοσιν λαχῶν αὐτῷ ταύτην συκοφαντεῖ. ἐξ ἀρχῆς οὖν ἅπαντα τὰ πραχθέντα τούτῳ πρὸς Πασίωνα καὶ Ἀπολλόδωρον ὡς ἂν δύνωμαι διὰ βραχυτάτων εἰπεῖν πειράσομαι, ἐξ ὧν εὖ οἶδ' ὅτι ἢ τε τούτου συκοφαντία φανερὰ γενήσεται, καὶ ὡς οὐκ εἰσ-αγωγίμος ἢ δίκη γνώσεσθ' ἅμα ταῦτ' ἀκούσαντες.

4 Πρῶτον μὲν οὖν ὑμῖν ἀναγνώσεται τὰς συνθήκας, καθ' ἃς ἐμίσθωσε Πασίων τὴν τράπεζαν τουτωῖ καὶ τὸ ἀσπιδοπηγεῖον. καὶ μοι λαβὲ τὰς συνθήκας καὶ τὴν πρόκλησιν καὶ τὰς μαρτυρίας ταυτασί.

### ΣΤΝΘΗΚΑΙ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑΙ

Αἱ μὲν οὖν συνθήκαι, καθ' ἃς ἐμίσθωσεν ὁ Πασίων τουτωῖ τὴν τράπεζαν καὶ τὸ ἀσπιδοπηγεῖον ἤδη καθ' ἑαυτὸν ὄντι, αὐταί εἰσιν, ὧ ἄνδρες Ἀθηναῖοι· δεῖ δ' ὑμᾶς ἀκοῦσαι καὶ μαθεῖν, ἐκ τίνος τρόπου προσώφειλε τὰ ἔνδεκα τάλανθ' ὁ Πασίων

5 ἐπὶ τὴν τράπεζαν. οὐ γὰρ δι' ἀπορίαν ταῦτ' ὤφειλεν, ἀλλὰ διὰ φιλεργίαν. ἢ μὲν γὰρ ἔγγειος ἦν οὐσία Πασίωνι μάλιστα ταλάντων εἴκοσιν, ἀργύριον δὲ πρὸς ταύτην δεδανεισμένον ἴδιον πλέον ἢ πεντήκοντα τάλαντα. ἐν τούτοις ἀπὸ τῶν παρα-

[946] καταθηκῶν τῶν τῆς τραπέζης ἔνδεκα τάλαντ'  
6 ἐνεργὰ ἦν. μισθούμενος οὖν ὅδε τὴν ἐργασίαν

<sup>a</sup> It is not stated precisely what this challenge was; but it may well have been a demand made to Apollodorus to produce the articles in question.

<sup>b</sup> He had been given his freedom by Pasio.

<sup>c</sup> The word naturally denotes industry, but the clause might possibly be rendered "because he did not wish capital to lie idle": so Dareste. In Oration XLV. § 33, Apollodorus

nevertheless, as you see, because Phormio can no longer submit to his demands, Apollodorus has instituted this vexatious and baseless suit for twenty talents. From the beginning, therefore, I shall try to set forth for you as briefly as possible all the transactions Phormio has had with Pasio and Apollodorus. From these, I am sure, the malicious conduct of the plaintiff will become clear to you, and at the same time, having heard this recital, you will determine that the action is not maintainable.

First the clerk shall read to you the articles of agreement, in accordance with which Pasio leased to the defendant the bank and the shield-factory. Take, please, the articles of agreement, the challenge,<sup>a</sup> and these depositions.

THE ARTICLES OF AGREEMENT. THE CHALLENGE.

THE DEPOSITIONS

These, men of Athens, are the articles of agreement in accordance with which Pasio leased the bank and the shield-factory to the defendant, after the latter had now become his own master.<sup>b</sup> But you must hear and understand how it was that Pasio came to owe the eleven talents to the bank. He owed that amount, not because of poverty, but because of his thrift.<sup>c</sup> For the real property of Pasio was about twenty talents, but in addition to this he had more than fifty talents in money of his own<sup>d</sup> lent out at interest. Among these were eleven talents of the bank's deposits, profitably invested. When, therefore, my client leased the business of the bank and took  
 implies that the debt was due to mismanagement on the part of Phormio.

<sup>a</sup> As eleven talents of this money belonged to the bank, this phrase is open to question.

## DEMOSTHENES

αὐτὴν τῆς τραπέζης καὶ τὰς παρακαταθήκας λαμβάνων, ὁρῶν ὅτι, μήπω τῆς πολιτείας αὐτῷ παρ' ὑμῖν οὔσης, οὐχ οἷός τ' ἔσοιτ' εἰσπράττειν ὅσα Πασίων ἐπὶ γῆ καὶ συνοικίαις δεδανεικῶς ἦν, εἴλετο μᾶλλον αὐτὸν τὸν Πασίωνα χρήστην ἔχειν τούτων τῶν χρημάτων, ἢ τοὺς ἄλλους χρήστας, οἷς προειμένος ἦν. καὶ οὕτω διὰ ταῦτ' ἐγράφη προσοφείλων ὁ Πασίων ἔνδεκα τάλαντα, ὥσπερ καὶ μεμαρτύρηται ὑμῖν.

- 7 Ὅν μὲν τοίνυν τρόπον ἢ μίσθωσις ἐγένετο, μεμαρτύρηται ὑμῖν ὑπ' αὐτοῦ τοῦ ἐπικαθημένου ἐπιγενομένης δ' ἀρρωστίας τῷ Πασίῳ μετὰ ταῦτα, σκέψασθ' ἅ διέθετο. λαβὲ τῆς διαθήκης τὸ ἀντίγραφον καὶ τὴν πρόκλησιν ταυτηνὴ καὶ τὰς μαρτυρίας ταυτασί, παρ' οἷς αἱ διαθήκαι κεῖνται.

### ΔΙΑΘΗΚΗ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑΙ

- 8 Ἐπειδὴ τοίνυν ὁ Πασίων ἐτετελευτήκει ταῦτα διαθέμενος, Φορμίων οὕτωσιν τὴν μὲν γυναῖκα λαμβάνει κατὰ τὴν διαθήκην, τὸν δὲ παῖδ' ἐπετρόπευεν. ἀρπάζοντος δὲ τούτου καὶ πόλλ' ἀπὸ κοινῶν τῶν χρημάτων ἀναλίσκειν οἰομένου δεῖν, λογιζόμενοι πρὸς ἑαυτοὺς οἱ ἐπίτροποι, ὅτι, εἰ δεήσει κατὰ τὰς διαθήκας, ὅσ' ἂν οὗτος ἐκ κοινῶν τῶν χρημάτων ἀναλώσῃ, τούτοις ἐξελόντας ἀντιμοιρεῖ τὰ λοιπὰ  
 [947] νέμειν, οὐδ' ὅτιοῦν ἔσται περιόν, νείμασθαι τὰ ὄνθ'  
 9 ὑπὲρ τοῦ παιδὸς ἔγνωσαν. καὶ νέμονται τὴν ἄλλην

<sup>a</sup> That is, of Pasicles, who was a minor. That the guardian should marry the widow was a common provision (so in the case of Demosthenes' own mother; see Oration XXXII.).

## FOR PHORMIO, 6-9

over the deposits, realizing that, if he had not yet obtained the right of citizenship with you, he would be unable to recover the moneys which Pasio had lent on the security of land and lodging-houses, he chose to have Pasio himself as debtor for these sums, rather than the others to whom he had lent them. It was for this reason that Pasio was set down as owing eleven talents, as has been stated to you in the depositions.

In what manner the lease was made, you know <sup>7</sup> from the deposition of the manager of the bank himself. After this, Pasio became ill : and observe how he disposed of his estate. Take the copy of the will, and this challenge, and these depositions made by those in whose custody the will is deposited.

### THE WILL. THE CHALLENGE. THE DEPOSITIONS

When Pasio had died, after making this will, <sup>8</sup> Phormio, the defendant, took his widow to wife in accordance with the terms of the will and undertook the guardianship of his son.<sup>a</sup> Inasmuch, however, as the plaintiff was rapacious, and seemed to think it right that he should spend large sums out of the fund which was as yet undivided, the guardians, calculating in their own minds that, if it should be necessary under the terms of the will to deduct from the undivided fund, share for share, an equivalent of what the plaintiff spent, and then distribute the remainder, there would be nothing left to distribute, determined in the interest of the boy to divide the property. And they did distribute all the estate <sup>9</sup>

In Oration XLV. Apollodorus denies that he had been challenged to produce the will, or that such a will had been left by his father.

## DEMOSTHENES

οὐσίαν πλὴν ὧν ἐμεμίσθωθ' οὐτοσί· τούτων δὲ τῆς προσόδου τὴν ἡμίσειαν τούτῳ ἀπεδίδοσαν. ἄχρι μὲν οὖν τούτου τοῦ χρόνου πῶς ἔνεστ' ἐγκαλεῖν αὐτῷ μισθώσεως; οὐ γὰρ νῦν, ἀλλὰ τότε εὐθὺς ἔδει χαλεπαίνοντα φαίνεσθαι. καὶ μὴν οὐδὲ τὰς ἐπιγιγνομένας μισθώσεις ὡς οὐκ ἀπειλήφεν ἔστ'  
 10 εἰπεῖν αὐτῷ. οὐ γὰρ ἂν ποτ', ἐπειδὴ δοκιμασθέντος Πασικλέους ἀπηλλάττετο τῆς μισθώσεως ὅδε, ἀφήκατ' ἂν αὐτὸν ἀπάντων τῶν ἐγκλημάτων, ἀλλὰ τότε ἂν παραχρῆμ' ἀπητειτ', εἴ τι προσώφειλεν ὑμῖν.

Ὡς τοίνυν ταῦτ' ἀληθῆ λέγω, καὶ ἐνείμαθ' οὗτος πρὸς τὸν ἀδελφὸν παῖδ' ὄντα, καὶ ἀφήκαν τῆς μισθώσεως καὶ τῶν ἄλλων ἀπάντων ἐγκλημάτων, λαβὲ ταυτηνὴ τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

11 Εὐθὺς τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, ὡς ἀφείσαν τουτονὶ τῆς μισθώσεως, νέμονται τὴν τράπεζαν καὶ τὸ ἀσπιδοπηγεῖον, καὶ λαβὼν αἴρεσιν Ἀπολλόδωρος, αἰρεῖται τὸ ἀσπιδοπηγεῖον ἀντὶ τῆς τραπέζης. καίτοι εἰ ἦν ἴδια τις ἀφορμὴ τουτῶι πρὸς τῇ τραπέζῃ, τί δὴ ποτ' ἂν εἴλετο τοῦτο μᾶλλον ἢ κείνην; οὔτε γὰρ ἡ πρόσσδος ἦν πλείων, ἀλλ' ἐλάττων (τὸ μὲν γὰρ τάλαντον, ἡ δ' ἑκατὸν μνᾶς ἔφερον), οὔτε τὸ κτῆμ' ἡδιον, εἰ προσῆν χρήματα τῇ τραπέζῃ ἴδια. ἀλλ' οὐ προσῆν. διόπερ σω-

<sup>a</sup> Addressed to the two brothers, Apollodorus and Pasicles.

<sup>b</sup> By right of seniority.



## FOR PHORMIO, 9-11

except the property on which the defendant had taken a lease : and of the revenue accruing from this they duly paid one-half to the plaintiff. Up to that time, then, how is it possible for him to make complaint regarding the lease ? For it is not now that he should show his indignation ; he should at once have done so then. Moreover, he cannot say that he has not received the rents which became due subsequently. For in that case, when Pasicles came of age and 10 Phormio relinquished the lease, you <sup>a</sup> would never have freed him from all claims, but would then instantly have demanded payment, if he had owed you anything.

To prove that I speak the truth in this and that the plaintiff did divide the property with his brother, who was still a minor, and that they released Phormio from his liability under the lease and from all other charges, take this deposition.

### THE DEPOSITION

As soon, then, as they had released the defendant 11 from the lease, men of Athens, they at once divided between them the bank and the shield-factory, and Apollodorus, having the choice,<sup>b</sup> chose the shield-factory in preference to the bank. Yet, if the plaintiff had any private capital in the bank, why in the world should he have chosen the factory by preference ? The income was not greater ; nay, it was less (the factory produced a talent, and the bank, one hundred minae) ; nor was the property more agreeable,<sup>c</sup> assuming that he had private capital in the bank. But he had no such capital. So the plaintiff was wise

<sup>c</sup> That is, the conduct of a manufacturing business entailed more labour and trouble than the management of a bank.

## DEMOSTHENES

[948] φρονῶν εἴλετο τὰσπιδοπηγεῖον· τὸ μὲν γὰρ κτῆμ' ἀκίνδυνόν ἐστιν, ἢ δ' ἐργασία προσόδους ἔχουσ' ἐπικινδύνους ἀπὸ χρημάτων ἀλλοτριῶν.

12 Πολλὰ δ' ἂν τις ἔχοι λέγειν ἀπιδεικνύουσι σημεῖα τοῦ τοῦτον συκοφαντεῖν ἐγκαλοῦντ' ἀφορμῆν. ἀλλ' οἶμαι μέγιστον μὲν ἐστὶν ἀπάντων τεκμήριον τοῦ μηδεμίαν λαβεῖν ἀφορμῆν εἰς ταῦτα τουτονί, τὸ ἐν τῇ μισθώσει γεγράφθαι προσοφείλοντα τὸν Πασίων' ἐπὶ τὴν τράπεζαν, οὐ δεδωκότ' ἀφορμῆν τουτωί, δεύτερον δὲ τὸ τοῦτον ἐν τῇ νομῇ μηδὲν ἐγκαλοῦντα φαίνεσθαι, τρίτον δ', ὅτι μισθῶν ἑτέροις ὕστερον ταῦτὰ ταῦτα τοῦ ἴσου ἀργυρίου, οὐ φανήσεται

13 προσμεμισθωκῶς ἰδίαν ἀφορμῆν. καίτοι εἰ, ἣν ὁ πατὴρ παρέσχε, ὑπὸ τοῦδ' ἀπεστερεῖτο, αὐτὸν νῦν προσῆκεν ἐκείνοις<sup>1</sup> ἄλλοθεν πορίσαντα δεδωκέαι.

Ὡς τοίνυν ταῦτ' ἀληθῆ λέγω, καὶ ἐμισθωσεν ὕστερον Ξένωνι καὶ Εὐφραίῳ καὶ Εὐφρονι καὶ Καλλιστράτῳ, καὶ οὐδὲ τούτοις παρέδωκ' ἰδίαν ἀφορμῆν, ἀλλὰ τὰς παρακαταθήκας καὶ τὴν ἀπὸ τούτων ἐργασίαν αὐτὴν ἐμισθώσαντο, λαβέ μοι τὴν τούτων μαρτυρίαν, καὶ ὡς τὸ ἀσπιδοπηγεῖον εἴλετο.

### ΜΑΡΤΥΡΙΑ

14 Μεμαρτύρηται μὲν τοίνυν ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, ὅτι καὶ τούτοις ἐμισθωσαν καὶ οὐ παρέδωκαν

<sup>1</sup> ἐκείνοις omitted by Blass.

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<sup>a</sup> If it were true that Apollodorus had been defrauded by Phormio of capital which Pasio had invested in the bank, then, when the bank was let to new lessees on the same terms as before, Apollodorus would have had to make up the missing capital from some other source.

## FOR PHORMIO, 11-14

in choosing the factory. For that is a property which involves no risk, while the bank is a business yielding a hazardous revenue from money which belongs to others.

Many proofs might one advance and set forth to 12 show that the plaintiff's claim to a sum of banking capital is malicious and baseless. But the strongest proof of all that Phormio received no capital is, I think, this: that Pasio is set down in the lease as debtor to the bank, not as having given banking capital to the defendant. The second proof is that the plaintiff is shown to have made no demands at the time of the distribution of the property. The third is that when he subsequently leased the same business to others for the same sum, he will be shown not to have leased any private capital of his own along with it. And yet, 13 if he had been defrauded by the defendant of capital which his father left, he would himself on that assumption have had to provide it from some other source and given it to the new lessees.<sup>a</sup>

To prove that I speak the truth in this, and that Apollodorus subsequently leased the bank to Xeno and Euphraeus, and Euphro, and Callistratus, and that he delivered no private capital to them either, but that they leased only the deposits and the right to the profits accruing from them, take, please, the deposition which proves these matters, and proves also that he chose the shield-factory.

### THE DEPOSITION

Evidence has been submitted to you, men of 14 Athens, that they<sup>b</sup> granted a lease to these men also.

<sup>b</sup> The plural denotes the two brothers, Apollodorus and Pasicles.

## DEMOSTHENES

ἰδίαν ἀφορμὴν οὐδεμίαν, καὶ ἐλευθέρους τ' ἀφείσαν  
 ὡς μεγάλ' εὖ πεπονθότες, καὶ οὐκ ἐδικάζοντ' οὔτ'  
 ἐκείνοις τότε οὔτε τούτῳ. ὃν μὲν τοίνυν χρόνον ἢ  
 μήτηρ ἔζη, ἢ πάντ' ἀκριβῶς ταῦτ'<sup>1</sup> εἰδυῖα, οὐδὲν  
 ἔγκλημα πώποτ' ἐποιήσατο πρὸς τουτονὶ Φορμίων'  
 [949] Ἀπολλόδωρος· ὡς δ' ἐτελεύτησεν ἐκείνη, τρισχιλίας  
 ἐγκαλέσας ἀργυρίου δραχμὰς πρὸς αἷς ἔδωκεν  
 ἐκείνη δισχιλίαις τοῖς τούτου παιδίοις, καὶ χιτω-  
 15 νίσκον τινὰ καὶ θεραπείαν, ἐσυκοφάντει. καὶ οὐδ'  
 ἐνταῦθα τούτων οὐδὲν ὦν νῦν ἐγκαλεῖ λέγων φανή-  
 σεται. ἐπιτρέψας δὲ τῷ τε τῆς ἑαυτοῦ γυναικὸς  
 πατρὶ καὶ τῷ συγκληδεστῇ τῷ αὐτοῦ καὶ Λυσίνῳ  
 καὶ Ἀνδρομένει, πεισάντων τούτων Φορμίωνα του-  
 τονὶ δοῦναι δωρεῖαν τὰς τρισχιλίας καὶ τὸ προσόν,  
 καὶ φίλον μᾶλλον ἔχειν τοῦτον ἢ διὰ ταῦτ' ἐχθρὸν  
 εἶναι, λαβὼν τὸ σύμπαν πεντακισχιλίας, καὶ πάντων  
 ἀφείς τῶν ἐγκλημάτων τὸ δεύτερον εἰς τὸ ἱερὸν τῆς  
 16 Ἀθηνᾶς ἐλθὼν, πάλιν, ὡς ὁρᾶτε, δικάζεται, πάσας  
 αἰτίας συμπλάσας καὶ ἐγκλήματ' ἐκ παντὸς τοῦ  
 χρόνου τοῦ πρὸ τούτου (τοῦτο γάρ ἐστι μέγιστον  
 ἀπάντων), ἃ οὐδεπώποτ' ἠτιάσατο.

Ὡς τοίνυν ταῦτ' ἀληθῆ λέγω, λαβέ μοι τὴν γνῶσιν  
 τὴν γενομένην ἐν ἀκροπόλει, καὶ τὴν μαρτυρίαν  
 τῶν παραγενομένων, ὅτ' ἠφίει τῶν ἐγκλημάτων

<sup>1</sup> ταῦτ' omitted by Blass.

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<sup>a</sup> These men would appear to have been slaves originally, and, like Phormio himself, were rewarded with emancipation. The alternative rendering, "freed them from all claims," seems less probable.

## FOR PHORMIO, 14-16

and gave over to them no private banking-capital; and that they gave them their freedom,<sup>a</sup> as if having received great benefits from them; and at that time they went to law neither with them nor with Phormio. Indeed, as long as his mother was living, who had an accurate knowledge of all these matters, Apollodorus never made any complaint against Phormio, the defendant; but after her death he brought a malicious and baseless suit claiming three thousand drachmae in money, in addition to two thousand drachmae which she had given to Phormio's children,<sup>b</sup> and a bit of underwear and a serving-girl. Yet even here he will be shown to have said nothing 15 of the claims which he now makes. He referred the matter for arbitration to the father of his own wife, and the husband of his wife's sister, and to Lysinus and Andromenes,<sup>c</sup> and they induced Phormio to make him a present of the three thousand drachmae and the additional items, and thus to have him as a friend rather than as an enemy because of this. So the plaintiff received in all five thousand drachmae, and going to the temple of Athena,<sup>d</sup> gave Phormio for the second time a release from all demands. Yet, 16 as you see, he is suing him again, having trumped up all sorts of accusations, and gathered from all past time charges (and this is the most outrageous thing of all) which he had never made before.

To prove that I am speaking the truth in this, take, please, the award that was made in the Acropolis, and the deposition of those who were present, when

<sup>b</sup> Children, that is, whom she had borne to Phormio.

<sup>c</sup> The two first named represented Apollodorus; the latter two, Phormio.

<sup>d</sup> The Parthenon, as it is stated below to have been on the Acropolis.

## DEMOSTHENES

ἀπάντων Ἀπολλόδωρος, λαμβάνων τοῦτο τὸ ἀργύριον.

### ΓΝΩΣΙΣ. ΜΑΡΤΥΡΙΑ

- 17 Ἀκούετε τῆς γνώσεως, ὦ ἄνδρες δικασταί, ἣν ἔγνω Δεινίας, οὗ τὴν θυγατέρ' οὗτος ἔχει, καὶ Νικίας ὃ τὴν ἀδελφὴν τῆς τούτου γυναικὸς ἔχων. ταῦτα τοίνυν λαβὼν καὶ ἀφείς ἀπάντων τῶν ἐγκλημάτων, ὥσπερ ἢ πάντων τεθνεώτων τούτων ἢ τῆς ἀληθείας οὐ γενησομένης φανερᾶς, δίκην τοσοῦτων ταλάντων λαχὼν τολμᾷ δικάζεσθαι.
- 18 Τὰ μὲν οὖν πεπραγμένα καὶ γεγενημένα Φορμίῳ πρὸς Ἀπολλόδωρον, ἐξ ἀρχῆς ἅπαντ' ἀκηκόατ', ὦ ἄνδρες Ἀθηναῖοι. οἶμαι δ' Ἀπολλόδωρον [950] τουτονί, οὐδὲν ἔχοντα δίκαιον εἰπεῖν περὶ ὧν ἐγκαλεῖ, ἅπερ παρὰ τῷ διαιτητῇ λέγειν ἐτόλμα, ταῦτ' ἐρεῖν, ὡς τὰ γράμμαθ' ἢ μῆτηρ ἠφάνικεν πεισθεῖσ' ὑπὸ τούτου, καὶ τούτων ἀπολωλότων οὐκ ἔχει τίνα
- 19 χρῆν τὸν τρόπον ταῦτ' ἐξελέγχειν ἀκριβῶς. περὶ δὲ τούτων καὶ ταύτης τῆς αἰτίας σκέψασθ' ἡλίκ' ἂν τις ἔχοι τεκμήρι' εἰπεῖν ὅτι ψεύδεται. πρῶτον μὲν γάρ, ὦ ἄνδρες Ἀθηναῖοι, τίς ἐνείματ' ἂν τὰ πατρῶα μὴ λαβὼν γράμματα, ἐξ ὧν ἔμελλεν εἴσεσθαι τὴν καταλειφθεῖσαν οὐσίαν; οὐδὲ εἰς δήπου. καίτοι δυοῖν δέοντ' εἴκοσιν ἔτη ἐστὶν ἐξ ὅτου ἐνείμω, καὶ οὐκ ἂν ἔχοις ἐπιδειξαι, ὡς ἐνεκάλεσας πώποθ' ὑπὲρ
- 20 τῶν γραμμάτων. δεύτερον δέ, τίς οὐκ ἂν, ἡνίκα Πασικλῆς ἀνὴρ γεγονὼς ἐκομίζετο τὸν λόγον τῆς ἐπιτροπῆς, εἰ δι' αὐτοῦ τὰ γράμματ' ὥκνει τὴν

## FOR PHORMIO, 16-20

Apollodorus, on receiving this money, gave a release from all claims.

### THE AWARD. THE DEPOSITION

You hear the award, men of the jury, which was 17 rendered by Deinias, whose daughter the plaintiff has married, and Nicias, who is husband to her sister. However, even though he has received this money, and has given a release from all claims, he has the audacity to bring suit for so many talents, just as if all these people were dead, or as if the truth would not be brought to light.

All the dealings, then, and transactions which 18 Phormio has had with Apollodorus you have heard, men of Athens, from the beginning. But I fancy that Apollodorus, the plaintiff, being unable to advance any just grounds in support of his claim, will repeat what he had the audacity to say before the arbitrator, that his mother made away with the papers at Phormio's instigation, and that, owing to the loss of these, he has no way of proving his claim strictly. But in regard 19 to these statements and this accusation, observe what convincing proofs one could advance to show that he is lying. In the first place, men of Athens, what man would have accepted a distribution of his inheritance, if he had not papers from which he could determine the amount of estate left him? No man, assuredly. Yet it is eighteen years, Apollodorus, since you accepted the distribution, and you cannot show that you at any time made any complaint about the papers. In the second place, when Pasicles had come 20 of age, and was receiving the report of his guardians' administration, what man, even though he shrank from accusing his mother with his own lips of having

## DEMOSTHENES

μητέρ' αἰτιᾶσθαι διεφθαρκέναι, τούτῳ ταῦτ' ἐδήλωσεν, ὅπως διὰ τούτου ταῦτ' ἠλέγχθη; τρίτον δ', ἐκ ποίων γραμμάτων τὰς δίκας ἐλάγχχανες; οὗτος γὰρ πολλοῖς τῶν πολιτῶν δίκας λαγχάνων πολλὰ χρήματ' εἰσπέπρακται, γράφων εἰς τὰ ἐγκλήματα " ἔβλαψέ μ' ὁ δεῖν' οὐκ ἀποδιδούς ἐμοὶ τὸ ἀργύριον, ὃ κατέλιπεν ὁ πατήρ ὀφείλοντ' αὐτὸν ἐν τοῖς γράμμασιν." καίτοι εἰ ἠφάνιστο τὰ γράμματα, ἐκ ποίων γραμμάτων τὰς δίκας ἐλάγχχανεν;

Ἄλλὰ μὴν ὅτι ταῦτ' ἀληθῆ λέγω, τὴν μὲν νομὴν ἀκηκόαθ', ἣν ἐνείματο, καὶ μεμαρτύρηται ὑμῖν· τῶν δὲ λήξεων τούτων ἀναγνώσεται ὑμῖν τὰς μαρτυρίας. λαβὲ τὰς μαρτυρίας μοι.

### ΜΑΡΤΥΡΙΑΙ

[951] Οὐκοῦν ἐν ταύταις ταῖς λήξεσιν ὡμολόγηκεν ἀπειληφέναι τὰ τοῦ πατρὸς γράμματα· οὐ γὰρ δὴ συκοφαντεῖν γε, οὐδ' ὦν οὐκ ὄφειλον οὗτοι δικάζεσθαι φήσειεν ἄν.

22 Νομίζω τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, μεγάλων καὶ πολλῶν ὄντων ἐξ ὧν ἔστιν ἰδεῖν οὐκ ἀδικοῦντα Φορμίωνα τουτονί, μέγιστον ἀπάντων εἶναι, ὅτι Πασικλῆς, ἀδελφὸς ὦν Ἀπολλοδώρου τουτουί, οὔτε δίκην εἴληχεν οὔτ' ἄλλ' οὐδὲν ὦν οὗτος ἐγκαλεῖ. καίτοι οὐ δήπου τὸν μὲν παῖδ' ὑπὸ τοῦ πατρὸς καταλειφθέντα, καὶ οὐ τῶν ὄντων κύριος ἦν, ἐπίτροπος καταλελειμμένος, οὐκ ἂν ἠδίκηι, σέ



destroyed the papers, would have failed to reveal the fact to his brother, so that through him it might have been thoroughly investigated? In the third place, what were the papers upon which you based the action which you brought? For the plaintiff has brought suits against many citizens, and has recovered large sums of money, charging in his complaints, "So and so has injured me by not paying back to me the money which my father's papers show he owed the latter at his death." But, if the papers 21 had been made away with, on the basis of what papers did he commence his suits?

In proof that I am speaking the truth in this, you have heard the distribution which he accepted, and the evidence in proof of it has been presented to you. The clerk will now read you the depositions having to do with these actions. Please take the depositions.

#### THE DEPOSITIONS

In these complaints, then, he has admitted that he had received his father's papers; for he surely would not say that he was bringing baseless charges, or that he was suing these men for what they did not owe.

There are many strong proofs from which one can 22 see that the defendant Phormio is not in the wrong; but the strongest of all, in my opinion, is this: that Pasicles, though he is the brother of Apollodorus, the plaintiff, has neither entered suit nor made any of the charges which the plaintiff makes. But surely the defendant would not have abstained from wronging one who had been left a minor by his father, and over whose property he had control, since he had been left as his guardian, yet would have wronged

## DEMOSTHENES

δέ, ὃς ἀνὴρ κατελείφθης τέτταρα καὶ εἴκοσιν ἔτη  
γεγονώς, καὶ ὑπὲρ σαυτοῦ ῥαδίως ἂν τὰ δίκαι'  
ἐλάμβανες εὐθύς, εἴ τι ἡδικοῦ. οὐκ ἔστι ταῦτα.

Ὡς τοίνυν ταῦτ' ἀληθῆ λέγω καὶ ὁ Πασικλῆς  
οὐδὲν ἐγκαλεῖ, λαβέ μοι τὴν τούτου μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

23 Ἄ τοίνυν ἤδη περὶ αὐτοῦ τοῦ μὴ εἰσαγώγιμον  
εἶναι τὴν δίκην δεῖ σκοπεῖν ὑμᾶς, ταῦτ' ἀνα-  
μνήσθητ' ἐκ τῶν εἰρημένων. ἡμεῖς γάρ, ὦ ἄνδρες  
Ἀθηναῖοι, γεγενημένου μὲν διαλογισμοῦ καὶ ἀφ-  
έσεως τῆς τραπέζης καὶ τοῦ ἀσπιδοπηγείου τῆς  
μισθώσεως, γεγενημένης δὲ διαίτης καὶ πάλιν

24 ὧν ἂν ἀφῆ τις ἅπαξ λαγχάνειν, συκοφαντοῦντος  
τούτου καὶ παρὰ τοὺς νόμους δικαζομένου, παρ-  
εγραψάμεθ' ἐκ τῶν νόμων μὴ εἶναι τὴν δίκην εἰσ-  
αγώγιμον. ἴν' οὖν εἰδῆθ' ὑπὲρ οὗ τὴν ψῆφον οἴσετε,  
τὸν νόμον θ' ὑμῖν τούτον ἀναγνώσεται καὶ τὰς  
[952] μαρτυρίας ἐφεξῆς τῶν παρόντων, ὅτ' ἠφίει τῆς  
μισθώσεως καὶ τῶν ἄλλων ἀπάντων ἐγκλημάτων  
Ἀπολλόδωρος.

Λαβέ μοι τὰς μαρτυρίας ταυτασί καὶ τὸν νόμον.

### ΜΑΡΤΥΡΙΑΙ. ΝΟΜΟΣ

25 Ἀκούετε τοῦ νόμου λέγοντος, ὦ ἄνδρες Ἀθη-  
ναῖοι, τά τ' ἄλλ' ὧν μὴ εἶναι δίκας, καὶ ὅσα

## FOR PHORMIO, 22-25

*you*, who at your father's death were left a man of four and twenty, and who on your own behalf would easily and immediately have obtained justice, if any wrong had been done you. That is impossible.

To prove that I am speaking the truth in this, and that Pasicles makes no complaint, take, please, the deposition regarding the matter.

### THE DEPOSITION

The points which you should now consider in regard <sup>23</sup> to my plea that the action is not admissible, I beg you to recall from what has already been said. We, men of Athens, inasmuch as an accounting had been made and a discharge given from the lease of the bank and of the shield-factory; inasmuch as there had been an arbitrator's award and again a discharge from all claims; inasmuch also as the laws do not allow suits to be brought in cases where a discharge has once been given; and inasmuch as the plaintiff <sup>24</sup> makes a baseless and malicious claim, and brings suit contrary to the laws; we have put in a special plea as allowed by the laws that his suit is not admissible. In order, then, that you may understand the matter regarding which you are going to vote, he shall read you this law and the depositions in sequence of those who were present when Apollodorus discharged Phormio from the lease and from all other claims.

Take these depositions, please, and the law.

### THE DEPOSITIONS. THE LAW

You hear the law, men of Athens, stating other <sup>25</sup> cases in which suit may not be brought, and in particular those in which anyone has given a release or

## DEMOSTHENES

τις ἀφῆκεν ἢ ἀπήλλαξεν. εἰκότως· εἰ γάρ ἐστι δίκαιον, ὧν ἂν ἄπαξ γένηται δίκη, μηκέτ' ἐξεῖναι δικάζεσθαι, πολὺ τῶν ἀφεθέντων δικαιότερον μὴ εἶναι δίκας. ὁ μὲν γὰρ ἐν ὑμῖν ἠττηθεῖς, τάχ' ἂν εἴποι τοῦθ' ὡς ἐξηπατήθηθ' ὑμεῖς· ὁ δ' αὐτοῦ φανερώς καταγνοὺς καὶ ἀφείς καὶ ἀπαλλάξας, τίν' ἂν αὐτὸν αἰτίαν αἰτιασάμενος τῶν αὐτῶν πάλιν εἰκότως δικάζοιτο; οὐδεμίαν δῆπου. διόπερ τοῦτο πρῶτον ἔγραψεν ὁ τὸν νόμον θεῖς ὧν μὴ εἶναι δίκας, ὅσα τις ἀφῆκεν ἢ ἀπήλλαξεν. ἃ τῶδὶ γέγον' ἀμφοτέρα· καὶ γὰρ ἀφῆκεν καὶ ἀπήλλαξεν. ὡς δ' ἀληθῆ λέγω, μεμαρτύρηται ὑμῖν, ὧ ἄνδρες Ἀθηναῖοι.

26 Λαβὲ δὴ μοι καὶ τὸν τῆς προθεσμίας νόμον.

### ΝΟΜΟΣ

Ὁ μὲν τοίνυν νόμος, ὧ ἄνδρες Ἀθηναῖοι, σαφῶς οὕτωςι τὸν χρόνον ὥρισεν· Ἀπολλόδωρος δ' οὐτοσί, παρεληλυθότων ἐτῶν πλέον ἢ εἴκοσι, τὴν ἑαυτοῦ συκοφαντίαν ἀξιοῖ περὶ πλείονος ὑμᾶς ποιήσασθαι τῶν νόμων, καθ' οὓς ὁμωμοκότες δικάζετε. καίτοι πᾶσι μὲν τοῖς νόμοις προσέχειν εἰκὸς ἐστ' ὑμᾶς, οὐχ ἥκιστα δὲ τούτῳ, ὧ ἄνδρες Ἀθηναῖοι.

27 δοκεῖ γάρ μοι καὶ ὁ Σόλων οὐδενὸς ἄλλου ἔνεκα θεῖναι αὐτόν, ἢ τοῦ μὴ συκοφαντεῖσθαι ὑμᾶς. τοῖς

<sup>a</sup> The two verbs ἀφίεμαι and ἀπαλλάττειν seem at times to be virtual synonyms, used freely with the redundancy of legal usage. In some cases, however, ἀφίεμαι refers clearly to the creditor's act, and ἀπαλλάττειν to the effect on the debtor. Parallel passages are Orations XXXVII. §§ 1 and 19; and XXXVIII. § 1.

<sup>b</sup> It was the custom at Athens to emphasize the sanctity

discharge.<sup>a</sup> And with good reason. For if it is just that suit may not be brought again for cases which have once been tried, it is far more just that suit be not allowed for claims in which a discharge has been given. For a man who has lost his suit in your court might perhaps say that you had been deceived; but when a man has plainly decided against himself, by giving a release and discharge, what complaint can he bring against himself that will give him the right to bring suit again regarding the same matters? None whatever, of course. Therefore the man who framed this law placed first among cases in which suit may not be brought all those in which a man has given a release or discharge. Both of these have been given by the plaintiff; for he has released and discharged the defendant. That I am speaking the truth, men of Athens, has been proved to you by the evidence presented.

Take now, please, the statute of limitations. 26

#### THE LAW

The law, men of Athens, has thus clearly defined the time. But this man Apollodorus, when more than twenty years have gone by, demands that you pay more heed to his malicious charges than to the laws in accordance with which you have sworn to give judgement. You should have regard to all the laws, but to this one, men of Athens, above all others. For, in my judgement, Solon<sup>b</sup> framed it for 27 no other purpose than to prevent your having to be subjected to malicious and baseless actions. For in of a given law by attributing its enactment to the great lawgiver, Solon. So, in Sparta, laws were conventionally assumed to have been enacted by Lycurgus.

## DEMOSTHENES

- μέν γὰρ ἀδικουμένοις τὰ πέντ' ἔτη ἱκανὸν ἠγήσατ'  
 [953] εἶναι εἰσπράξασθαι· κατὰ δὲ τῶν ψευδομένων τὸν  
 χρόνον ἐνόμισε σαφέστατον ἔλεγχον ἔσεσθαι. καὶ  
 ἅμ' ἐπειδὴ ἀδύνατον ἔγνω ὃν τοὺς τε συμβάλλοντας  
 καὶ τοὺς μάρτυρας αἰεὶ ζῆν, τὸν νόμον ἀντὶ τούτων  
 ἔθηκεν, ὅπως μάρτυς εἶη τοῦ δικαίου τοῖς ἐρήμοις.
- 28 Θαυμάζω τοίνυν ἔγωγ', ὦ ἄνδρες δικασταί,  
 τί ποτ' ἐστὶν ἂ πρὸς ταῦτ' ἐπιχειρήσει λέγειν  
 Ἀπολλόδωρος οὕτως. οὐ γὰρ ἐκεῖνό γ' ὑπέιληφεν,  
 ὡς ὑμεῖς, μηδὲν ὀρώωντες εἰς χρήματα τοῦτον ἠδι-  
 κημένον, ὀργισθεὶς ὅτι τὴν μητέρ' ἔγημεν αὐτοῦ  
 Φορμίων. οὐ γὰρ ἀγνοεῖ τοῦτο, οὐδ' αὐτὸν λέ-  
 ληθεν, οὐδ' ὑμῶν πολλούς, ὅτι Σωκράτης ὁ τραπε-  
 ζίτης ἐκεῖνος, παρὰ τῶν κυρίων ἀπαλλαγείς ὥσπερ  
 ὁ τούτου πατήρ, ἔδωκεν Σατύρῳ τὴν ἑαυτοῦ γυ-
- 29 ναῖκα, ἑαυτοῦ ποτὲ γενομένῳ. ἕτερος Σωκλῆς  
 τραπεζιτεύσας ἔδωκε τὴν ἑαυτοῦ γυναῖκα Τιμο-  
 δήμῳ τῷ νῦν ἔτ' ὄντι καὶ ζῶντι, γενομένῳ ποθ'  
 αὐτοῦ. καὶ οὐ μόνον ἐνθάδε τοῦτο ποιοῦσιν οἱ περὶ  
 τὰς ἐργασίας ὄντες ταύτας, ὦ ἄνδρες Ἀθηναῖοι,  
 ἀλλ' ἐν Αἰγίνῃ ἔδωκε Στρυμόδωρος Ἑρμαίῳ τῷ  
 ἑαυτοῦ οἰκέτῃ τὴν γυναῖκα, καὶ τελευτησάσης  
 ἐκείνης ἔδωκε πάλιν τὴν θυγατέρα τὴν ἑαυτοῦ.
- 30 καὶ πολλοὺς ἂν ἔχοι τις εἰπεῖν τοιούτους. εἰκότως·  
 ὑμῖν μὲν γάρ, ὦ ἄνδρες Ἀθηναῖοι, τοῖς γένει  
 πολίταις, οὐδὲ ἐν πλῆθος χρημάτων ἀντὶ τοῦ γένους  
 καλὸν ἐστὶν ἐλέσθαι· τοῖς δὲ τοῦτο μὲν δωρεῖαν ἢ  
 παρ' ὑμῶν ἢ παρ' ἄλλων τινῶν λαβοῦσι, τῇ τύχῃ

\* It is probable that the word "gave" refers to provisions in the will of Strymodorus. We must then assume that the wife died after the will was made, but before the death of Strymodorus. So Sandys.

## FOR PHORMIO, 27-30

the case of those who were wronged, he thought that a period of five years was enough to enable them to recover what was their due ; while the lapse of time would best serve to convict those who advanced false claims. At the same time, since he realized that neither the contracting parties nor the witnesses would live for ever, he put the law in their place, that it might be a witness of truth for those who had no other defence.

I, for my part, am wondering, men of the jury, 28 what in the world the plaintiff, Apollodorus, will try to say in reply to these arguments. For he can hardly have made this assumption that you, although seeing that he has suffered no wrong financially, will be indignant because Phormio has married his mother. For he is not unaware of this—it is no secret to him or to many of you—that Socrates, the well-known banker, having been set free by his masters just as the plaintiff's father had been, gave his wife in marriage to Satyrus who had been his slave. Another, 29 Socles, who had been in the banking business, gave his wife in marriage to Timodemus, who is still in being and alive, who had been his slave. And it is not here only, men of Athens, that those engaged in this line of business so act ; but in Aegina Strymodorus gave his wife in marriage to Hermaeus, his own slave, and again, after her death, gave him his own daughter.<sup>a</sup> And one could mention many other such cases ; and 30 no wonder. For although to you, men of Athens, who are citizens by birth, it would be a disgrace to esteem any conceivable amount of wealth above your honourable descent, yet those who obtain citizenship as a gift either from you or from others, and who in

## DEMOSTHENES

δ' ἐξ ἀρχῆς ἀπὸ τοῦ χρηματίσασθαι καὶ ἐτέρων  
 πλείω κτήσασθαι καὶ αὐτῶν τούτων ἀξιωθεῖσι,  
 ταῦτ' ἐστὶ φυλακτέα. διόπερ Πασίων ὁ πατὴρ ὁ  
 [954] σὸς οὐ πρῶτος οὐδὲ μόνος, οὐδ' αὐτὸν ὑβρίζων  
 οὐδ' ὑμᾶς τοὺς υἱεῖς, ἀλλὰ μόνην ὄρων σωτηρίαν  
 τοῖς ἑαυτοῦ πράγμασιν, εἰ τοῦτον ἀνάγκη ποιήσειεν  
 οἰκείον ὑμῖν, ἔδωκε τὴν ἑαυτοῦ γυναῖκα, μητέρα δ'  
 31 ὑμετέραν τούτῳ. πρὸς μὲν οὖν τὰ συμφέροντ' ἐὰν  
 ἐξετάξης, καλῶς βεβουλευμένον αὐτὸν εὐρήσεις· εἰ  
 δὲ πρὸς γένους δόξαν ἀναίνει Φορμίωνα κηδεστήν,  
 ὄρα μὴ γελοῖον ἦ σὲ ταῦτα λέγειν. εἰ γὰρ τις  
 ἔροιτό σε, ποῖόν τιν' ἤγει τὸν πατέρα τὸν σεαυτοῦ  
 εἶναι, χρηστὸν εὖ οἶδ' ὅτι φήσεις ἄν. πότερ' οὖν  
 οἶει μᾶλλον εἰοικέναι τὸν τρόπον καὶ πάντα τὸν βίον  
 Πασίῳ σαυτὸν ἢ τουτονί; ἐγὼ μὲν εὖ οἶδ' ὅτι<sup>1</sup>  
 τοῦτον. εἶθ' ὅς ἐστιν ὁμοιότερος σοῦ τῷ σῷ πατρί,  
 τοῦτον, εἰ τὴν μητέρα τὴν σὴν ἔγημ', ἀναίνει;  
 32 ἀλλὰ μὴν ὅτι δόντος γε κἀπισκήψαντος τοῦ σοῦ  
 πατρὸς ταῦτ' ἐπράχθη, οὐ μόνον ἐκ τῆς διαθήκης  
 ἔστιν ἰδεῖν, ὧ ἄνδρες Ἀθηναῖοι, ἀλλὰ καὶ σὺ  
 μάρτυς αὐτὸς γέγονας. ὅτε γὰρ τὰ μητρῶα πρὸς  
 μέρος ἡξίους νέμεσθαι, ὄντων παίδων ἐκ τῆς  
 γυναικὸς Φορμίῳνι τουτῳί, τόθ' ὠμολόγεις κυρίως  
 δόντος τοῦ πατρὸς τοῦ σοῦ κατὰ τοὺς νόμους αὐτὴν  
 γεγαμησθαι. εἰ γὰρ αὐτὴν εἶχε λαβὼν ἀδίκως ὁδε  
 μηδενὸς δόντος, οὐκ ἦσαν οἱ παῖδες κληρονόμοι,

<sup>1</sup> εὖ οἶδ' ὅτι] γὰρ εὖ οἶδ' ὅτι Blass.



the first instance, thanks to this good fortune, were counted worthy of the same privileges, because of their success in money-making, and their possession of more wealth than others, must hold fast to these advantages. So your father Pasio—and he was neither the first nor the last to do this—without bringing disgrace upon himself or upon you, his sons, but seeing that the only protection for his business was that he should bind the defendant to you by a family tie, for this reason gave to him in marriage his own wife, your mother. If, then, you examine his conduct 31 in the light of practical utility you will find that he determined wisely; but if from family pride you scorn Phormio as stepfather, see if it be not absurd for you to speak thus. For, if one were to ask you what sort of a man you deem your father to have been, I am sure that you would say, “an honourable man.” Now, then, which of you two do you think more resembles Pasio in character and in manner of life, yourself or Phormio? I know well that you think Phormio does. Then do you scorn this man who is more like your father than you are yourself, just because he has married your mother? But that 32 this arrangement was made by your father’s grant and solemn injunction may not only be seen from the will, men of Athens, but you yourself, Apollodorus, are a witness to the fact. For when you claimed the right to distribute your mother’s estate share by share—and she had left children by the defendant, Phormio—you then acknowledged that your father had given her with full right, and that she had been married in accordance with the laws. For if Phormio had taken her to wife wrongfully, and no one had given her—then the children were not heirs, and if

## DEMOSTHENES

τοῖς δὲ μὴ κληρονόμοις οὐκ ἦν μετουσία τῶν ὄντων.

Ἄλλὰ μὲν ὅτι ταῦτ' ἀληθῆ λέγω, μεμαρτύρηται τὸ τέταρτον μέρος λαβεῖν καὶ ἀφεῖναι τῶν ἐγκλημάτων ἀπάντων.

- 33 Κατ' οὐδὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, δίκαιον οὐδὲν ἔχων εἰπεῖν, ἀναιδεστάτους λόγους ἐτόλμα  
 [955] λέγειν πρὸς τῷ δαιτητῇ, περὶ ὧν προακηκοένοι βέλτιόν ἐσθ' ὑμᾶς, ἓνα μὲν τὸ παράπαν μὴ γενέσθαι διαθήκην, ἀλλ' εἶναι τοῦτο πλάσμα καὶ σκευώρημ' ὄλον, ἕτερον δ' εἵνεκα τούτου πάντα ταῦτα συχωρεῖν τὸν πρὸ τοῦ χρόνον καὶ οὐχὶ δικάζεσθαι, ὅτι μίσθωσιν ἤθελεν αὐτῷ φέρειν Φορμίων πολλήν καὶ ὑπισχνεῖτ' οἴσειν· ἐπειδὴ δ' οὐ ποιεῖ ταῦτα, τη-  
 34 νικαῦτα, φησί, δικάζομαι. ὅτι δὴ ταῦτ' ἀμφοτέρ', ἂν λέγη, ψεύσεται καὶ τοῖς ὑφ' ἑαυτοῦ πεπραγμένοις ἐναντί' ἐρεῖ, σκοπεῖτ' ἐκ τωνδί. ὅταν μὲν τοίνυν τὴν διαθήκην ἀρνηῖται, ἐκ τίνος τρόπου πρεσβεῖα λαβὼν τὴν συνοικίαν κατὰ τὴν διαθήκην ἔχει, τοῦτ' ἐρωτᾷτ' αὐτόν. οὐ γὰρ ἐκεῖνό γ' ἐρεῖ, ὡς ὅσα μὲν πλεονεκτεῖν τόνδ' ἔγραψ' ὁ πατήρ,  
 35 κύρι' ἐστὶ τῆς διαθήκης, τὰ δ' ἄλλ' ἄκυρα. ὅταν δ' ὑπὸ τῶν τοῦδ' ὑποσχέσεων ὑπάγεσθαι φῆ, μέμνησθ' ὅτι μάρτυρας ὑμῖν παρεσχήμεθα, οἱ χρόνον πολὺν τοῦδ' ἀπηλλαγμένου μισθωταὶ τούτοις ἐγίγνοντο τῆς τραπέζης καὶ τοῦ ἀσπιδοπηγείου. καίτοι τόθ', ὀπηνίκ' ἐμίσθωσεν ἐκείνοις, τῷδ' ἐγκαλεῖν παρα-

<sup>a</sup> Illegitimate children could not inherit; and the fact that Apollodorus recognized the children of Phormio and Archippé as heirs, proves that he admitted the legality of the marriage.

<sup>b</sup> There were four children: Apollodorus and Pasicles, and the two born of Phormio and Archippé.

they were not heirs they had no right of sharing in the property.<sup>a</sup>

To prove that I am speaking the truth in this evidence has been submitted showing that he received a fourth share<sup>b</sup> and gave a release from all claims.

Having, then, on no single point, men of Athens, 33 any just claim to advance, he had the audacity to make before the arbitrator the most shameless assertions which it is best that you should hear in advance: first that no will was made at all, but that this is a fiction and forgery from beginning to end; and, secondly, that the reason why he had made all these concessions up to now, and had abstained from going to law, was because Phormio was willing to pay him a large rent, and promised that he would do so. But since he does not do this, now, he says, I go to law. But that both of these statements, if he makes 34 them, will be false and inconsistent with his own conduct, pray observe from the following considerations. When he denies the will, ask him this, how it came that he received the lodging-house under the will as being the elder.<sup>c</sup> He surely will not claim that all the clauses which his father wrote in the will in his favour are valid, and the others invalid. And 35 when he says that he was misled by the defendant's promises, remember that we have brought before you as witnesses those who for a long time, after Phormio had given it up, became lessees under the two brothers of the bank and the shield-factory. And yet it was when he granted the lease to these men, that he should at once have made his charges

<sup>c</sup> A right not often recognized in Attic law. Compare Oration XXXIX. § 29.

## DEMOSTHENES

χρήμ' ἐχρήην, εἴπερ ἀληθῆ ἦν ὑπὲρ ὧν τότε ἀφείδ  
 νῦν τούτῳ δικάζεται.

Ὡς τοίνυν ἀληθῆ λέγω, καὶ πρεσβεῖά τε τὴν  
 συνοικίαν ἔλαβεν κατὰ τὴν διαθήκην, καὶ τῶδ' οὐχ  
 ὅπως ἐγκαλεῖν ᾤετο δεῖν, ἀλλ' ἐπήγει, λαβὲ τὴν  
 μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 36 Ἴνα τοίνυν εἰδῆτ', ὦ ἄνδρες Ἀθηναῖοι, ὅσα  
 χρήματ' ἔχων ἐκ τῶν μισθώσεων καὶ ἐκ τῶν χρεῶν  
 ὡς ἀπορῶν καὶ πάντ' ἀπολωλεκῶς ὀδυρεῖται,  
 [956] βραχέ' ἡμῶν ἀκούσατε. οὗτος γὰρ ἐκ μὲν τῶν  
 χρεῶν ὁμοῦ τάλαντ' εἴκοσιν εἰσπέπρακται ἐκ τῶν  
 γραμμάτων ὧν ὁ πατήρ κατέλιπεν, καὶ τούτων ἔχει  
 πλέον ἢ τὰ ἡμίσεια· πολλῶν γὰρ τὰ μέρη τὸν  
 37 ἀδελφὸν ἀποστερεῖ. ἐκ δὲ τῶν μισθώσεων, ὀκτώ  
 μὲν ἐτῶν ἃ Φορμίων εἶχε τὴν τράπεζαν, ὀγδοή-  
 κοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, τὸ ἡμισυ τῆς  
 ὅλης μισθώσεως· καὶ ταῦτ' ἐστὶν δέκα τάλαντα  
 καὶ τετταράκοντα μναί· δέκα δὲ τῶν μετὰ ταῦτα,  
 ὧν ἐμίσθωσαν Ξένωνι καὶ Εὐφραίῳ καὶ Εὐφροني  
 καὶ Καλλιστράτῳ, τάλαντον τοῦ ἐνιαυτοῦ ἐκάστου.  
 38 χωρὶς δὲ τούτων, ἐτῶν ἴσως εἴκοσι τῆς ἐξ ἀρχῆς  
 νεμηθείσης οὐσίας, ἧς αὐτὸς ἐπεμελεῖτο, τὰς προσ-  
 ὄδους, πλέον ἢ μνᾶς τριάκοντα. ἐὰν δ' ἅπαντα  
 συνθῆτε, ὅσ' ἐνείματο, ὅσ' εἰσεπράξατο, ὅσ' εἴληφε  
 μίσθωσιν, πλέον ἢ τετταράκοντα τάλαντ' εἰληφῶς

<sup>a</sup> The debts, that is, due to his father.

<sup>b</sup> The rent of the factory was a talent a year, and that of the bank a talent and forty minae, making a total of one hundred and sixty minae annually, or eighty minae apiece for each of the two brothers, or ten talents and forty minae for the eight-year period.

<sup>c</sup> The rents under the new lease remained the same as

against the defendant if there were any truth in the claims, for which he then gave a release, but for which he now brings suit against him.

To prove that I am speaking the truth that he took the lodging-house under the terms of the will as being the elder, and that he not only thought it right to make no claims against the defendant, but on the contrary praised his conduct, take the deposition.

#### THE DEPOSITION

That you may know, men of Athens, what large 36 sums he has received from the rents and from the debts<sup>a</sup>—he, who will presently wail as though he were destitute and had lost everything—hear a brief account from me. This man has collected twenty talents in all owing to debts he has recovered from the papers which his father left, and of these sums more than half he keeps in his possession; for in many instances he is defrauding his brother of his share. From 37 the lessee, for the eight years during which Phormio had the bank, he received eighty minae a year, half of the whole rent. These items make ten talents and forty minae.<sup>b</sup> For ten years after that, during which they subsequently leased the bank to Xeno and Euphraeus and Euphro and Callistratus, he received a talent every year.<sup>c</sup> Besides this he has had for about 38 twenty years the income of the property originally divided, of which he himself had charge, more than thirty minae. If you add all these sums together,—what he got from the distribution, what he recovered from the debts, and what he has collected as rent, it will be plain that he has received more than forty before, but Apollodorus received only that from the shield-factory, or a talent annually.

## DEMOSTHENES

φανήσεται, χωρὶς ὧν οὗτος εὖ πεποίηκε, καὶ τῶν μητρῶων, καὶ ὧν ἀπὸ τῆς τραπέζης ἔχων οὐκ ἀποδίδωσι πένθ' ἡμιταλάντων καὶ ἑξακοσίων δραχμῶν. ἀλλὰ νῆ Δία ταυθ' ἡ πόλις εἴληφε, καὶ δεινὰ 39 πέπονθας πολλὰ καταλελητουργηκώς. ἀλλ' ἂ μὲν ἐκ κοινῶν ἐλητούργεις τῶν χρημάτων, σὺ καὶ ἀδελφὸς ἀνηλώσατε· ἂ δ' ὕστερον, οὐκ ἔστιν ἄξια, μὴ ὅτι δυοῖν ταλάντοι προσόδου, ἀλλ' οὐδ' εἴκοσι μνῶν. μηδὲν οὖν τὴν πόλιν αἰτιῶ, μηδ' ἂ σὺ τῶν ὄντων αἰσchrῶς καὶ κακῶς ἀνήλωκας, ὡς ἡ πόλις εἴληφε, λέγε.

- 40 "Ἴνα δ' εἰδῆτ', ὦ ἄνδρες Ἀθηναῖοι, τό τε πλῆθος τῶν χρημάτων ὧν εἴληφε, καὶ τὰς λητουργίας ἅς λελητούργηκεν, ἀναγνώσεται ὑμῖν καθ' ἓν ἕκαστον.
- [957] Λαβέ μοι τὸ βιβλίον τουτὶ καὶ τὴν πρόκλησιν ταυτηνὶ καὶ τὰς μαρτυρίας ταυτασί.

### ΒΙΒΛΙΟΝ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑΙ

- 41 Τοσαῦτα μὲν τοίνυν χρήματ' εἰληφώς, καὶ χρέα πολλῶν ταλάντων ἔχων, ὧν τὰ μὲν παρ' ἐκόντων, τὰ δ' ἐκ τῶν δικῶν εἰσπράττει, ἂ τῆς μισθώσεως ἔξω τῆς τραπέζης καὶ τῆς ἄλλης οὐσίας, ἣν κατέλιπε Πασίων, ὠφείλετ' ἐκείνῳ καὶ νῦν παρειλήφασιν οὗτοι, καὶ τοσαῦτ' ἀνηλωκῶς ὅσ' ὑμεῖς ἠκούσατε, οὐδὲ πολλοστὸν μέρος τῶν προσόδων, μὴ ὅτι τῶν ἀρχαίων, εἰς τὰς λητουργίας, ὅμως ἀλαζονεύσεται καὶ τριηραρχίας ἐρεῖ καὶ χορηγίας.
- 42 ἐγὼ δ', ὡς μὲν οὐκ ἀληθῆ ταυτ' ἐρεῖ, ἐπέδειξα,

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<sup>a</sup> As a matter of fact Apollodorus had served as trierarch with distinction, and had been most liberal in his expenditures. See Oration L. §§ 11 ff., and Oration XLV. § 78.

talents, to say nothing of the present Phormio made him, and his inheritance from his mother, and what he has had from the bank and does not pay back—two and one-half talents and six hundred drachmae. Ah, but, you will tell us, the state has received these 39 sums, and you have been outrageously treated, having used up your fortune in public services! No; what you expended in public service out of the undivided funds, you and your brother expended jointly; and what you gave after that does not amount to the interest, I will not say on two talents, but even on twenty minae. Do not, then, accuse the state, nor say that the state has received that portion of your patrimony which you have shamefully and wickedly squandered.

That you may know, men of Athens, the amount 40 of property which he has received, and the public services which he has assumed, the clerk shall read to you the items one by one.

Please take this list and this challenge and these depositions.

#### THE LIST. THE CHALLENGE. THE DEPOSITIONS

All these moneys he has received; he has debts 41 due him to the value of many talents, which he is collecting, some by voluntary payments, some by bringing action. These debts were owing to Pasio—quite apart from the rent of the bank and the other property which he left;—and these the two brothers have recovered. He has expended upon public services merely what you have heard, the smallest fraction of his income, not to say of his capital; and yet he will assume a bragging air, and will talk about his expenditures for trierarchal and choregic services.<sup>a</sup> I have shown you that these assertions of his will be 42

## DEMOSTHENES

οἶμαι μέντοι, κἄν εἰ ταῦτα πάντ' ἀληθῆ λέγοι, κάλλιον εἶναι καὶ δικαιότερον τόνδ' ἀπὸ τῶν αὐτοῦ λητουργεῖν ὑμῖν, ἢ τούτῳ δόντας τὰ τοῦδε, μικρὰ τῶν πάντων αὐτοὺς μετασχόντας, τόνδε μὲν ἐν ταῖς ἐσχάταις ἐνδείαις ὄραν, τοῦτον δ' ὑβρίζοντα καὶ εἰς ἅπερ εἴωθεν ἀναλίσκοντα.

- 43 Ἀλλὰ μὴν περὶ τῆς γ' εὐπορίας, ὡς ἐκ τῶν τοῦ πατρὸς τοῦ σοῦ κέκτηται, καὶ ὧν ἐρωτήσῃ ἐφησθα, πόθεν τὰ ὄντα κέκτηται Φορμίων, μόνῳ τῶν ὄντων ἀνθρώπων σοὶ τοῦτον οὐκ ἔνεστ' εἰπεῖν τὸν λόγον. οὐδὲ γὰρ Πασίων ὁ σὸς πατὴρ ἐκτήσαθ' εὐρῶν οὐδὲ τοῦ πατρὸς αὐτῷ παραδόντος, ἀλλ' ἢ παρὰ τοῖς αὐτοῦ κυρίοις Ἀντισθένοι καὶ Ἀρχεστράτῳ τραπεζιτεύουσι πείραν δούς, ὅτι χρηστός
- 44 ἔστι καὶ δίκαιος, ἐπιστεύθη. ἔστι δ' ἐν ἐμπορίῳ καὶ χρήμασι ἐργαζομένοις ἀνθρώποις φιλεργὸν δόξαι καὶ χρηστὸν εἶναι τὸν αὐτὸν θαυμαστὸν ἡλίκον. οὐτ' οὖν ἐκείνῳ τοῦθ' οἱ κύριοι παρέδωκαν, ἀλλ' αὐτὸς ἔφθ' χρηστός, οὔτε τῷδ' ὁ
- [958] σὸς πατὴρ· σὲ γὰρ ἂν πρότερον τοῦδε χρηστὸν ἐποίησεν, εἰ ἦν ἐπ' ἐκείνῳ. εἰ δὲ τοῦτ' ἀγνοεῖς, ὅτι πίστις ἀφορμὴ τῶν πασῶν ἔστι μεγίστη πρὸς χρηματισμὸν, πᾶν ἂν ἀγνοήσεις. χωρὶς δὲ τούτων πολλὰ καὶ τῷ σῷ πατρὶ καὶ σοὶ καὶ ὄλως τοῖς ὑμετέροις πράγμασι Φορμίων γέγονεν χρήσιμος. ἀλλ' οἶμαι τῆς σῆς ἀπληστίας καὶ τοῦ σοῦ
- 45 τρόπου τίς ἂν δύναιτ' ἐφικέσθαι; καὶ δῆτα θαυ-

<sup>a</sup> Contrast with this passage the statements of Apollodorus himself regarding his manner of life in Oration XLV. § 77.

<sup>b</sup> The order of the words suggests a slight contrast between δόξαι and εἶναι.



false ; however, even if they should all prove to be true, I think it more honourable and more just that he should continue to render public service from his own funds, than that you should give him the defendant's property, and while receiving yourselves but a small portion of the whole, should see the defendant reduced to extreme poverty, and the plaintiff in wanton insolence and spending his money in the manner that has been his wont.<sup>a</sup>

With regard now to Phormio's wealth and his 43 having got it from your father's estate, and the questions you said you were going to ask as to how Phormio acquired his fortune, you have the least right of any man in the world to speak thus. For Pasio, your father, did not acquire his fortune, any more than Phormio did, by good luck or by inheritance from his father, but he gave proof to the bankers, Antisthenes and Archestratus, who were his masters, that he was a good man and an honest, and so won 44 their confidence. It is remarkable what a striking thing it is in the eyes of people who are active in commercial life and in banking, when the same man is accounted industrious and is honest.<sup>b</sup> Well ; this quality was not imparted to Pasio by his masters ; he was himself honest by nature ; nor did your father impart it to Phormio. It was yourself, rather than Phormio, whom he would have made honest, if he had had the power. If you do not know that for money-making the best capital of all is trustworthiness, you do not know anything at all. But, apart from all this, Phormio has in many ways shown himself useful to your father and to you, and in general to your affairs. But your insatiate greed and your character, I take it, no one could adequately express.

## DEMOSTHENES

μάζω πῶς οὐ λογίζῃ πρὸς σεαυτὸν, ὅτι ἔστιν  
 Ἄρχεστράτῳ, τῷ ποτὲ τὸν σὸν πατέρα κτησαμένῳ,  
 υἱὸς ἐνθάδ', Ἀντίμαχος, πράττων οὐ κατ' ἀξίαν,  
 ὃς οὐ δικάζεται σοι, οὐδὲ δεινὰ φησι πάσχειν, εἰ  
 σὺ μὲν χλανίδα φορεῖς, καὶ τὴν μὲν λέλυσαι, τὴν  
 δ' ἐκδέδωκας ἑταίραν, καὶ ταῦτα γυναῖκ' ἔχων  
 ποιεῖς, καὶ τρεῖς παῖδας ἀκολούθους περιάγει, καὶ  
 ζῆς ἀσελγῶς ὥστε καὶ τοὺς ἀπαντῶντας αἰσθάνε-  
 46 σθαι, αὐτὸς δ' ἐκείνος πολλῶν ἐνδεής ἐστιν. οὐδὲ  
 τὸν Φορμίων' ἐκείνος οὐχ ὄρα. καίτοι εἰ κατὰ  
 τοῦτ' οἶει σοι προσήκειν τῶν τούτου, ὅτι τοῦ  
 πατρός ποτ' ἐγένετο τοῦ σοῦ, ἐκείνῳ προσήκει  
 μᾶλλον ἢ σοί· ὁ γὰρ αὐτὸς σὸς πατὴρ ἐκείνων ἐγένετο,  
 ὥστε καὶ σὺ καὶ οὗτος ἐκείνου γίνεσθ' ἐκ τοῦδε  
 τοῦ λόγου. σὺ δ' εἰς τοῦθ' ἤκεις ἀγνωμοσύνης,  
 ὥσθ' ἂ προσῆκέ σοι τοὺς λέγοντας ἐχθροὺς νομί-  
 47 ζειν, ταῦτ' αὐτὸς ποιεῖς ἀνάγκην εἶναι λέγειν, καὶ  
 ὑβρίζεις μὲν σαυτὸν καὶ τοὺς γονέας τεθνεῶντας,  
 προπηλακίζεις δὲ τὴν πόλιν, καὶ ἂ τῆς τούτων  
 φιλανθρωπίας ἀπολαύσας εὔρεθ' ὁ σὸς πατὴρ καὶ  
 μετὰ ταῦτα Φορμίων οὐτοσί, ταῦτ' ἀντὶ τοῦ κοσ-  
 [959] μεῖν καὶ περιστέλλειν, ἵνα καὶ τοῖς δοῦσιν ὡς  
 εὐσχημονέστατ' ἐφαίνετο καὶ τοῖς λαβοῦσιν ὑμῖν,  
 ἄγεις εἰς μέσον, δεικνύεις, ἐλέγχεις, μόνον οὐκ  
 48 ὀνειδίζεις οἷον ὄντα σ' ἐποίησαντ' Ἀθηναῖον. εἴτ'  
 εἰς τοῦθ' ἤκεις μανίας (τί γὰρ ἄλλο τις εἶπη;) ὥστ'  
 οὐκ αἰσθάνει, ὅτι καὶ νῦν ἡμεῖς μὲν ἀξιοῦντες,

<sup>a</sup> That is, of course, the right of citizenship.

I am surprised that you do not of yourself make this 45  
 reflection, that Arcestratus, to whom your father  
 formerly belonged, has a son here, Antimachus, who  
 fares not at all as he deserves, and who does not go  
 to law with you and say that he is outrageously  
 treated, because you wear a soft mantle, and have  
 redeemed one mistress, and have given another in  
 marriage (all this, while you have a wife of your  
 own), and take three attendant slaves about with  
 you, and live so licentiously that even those who  
 meet you on the street perceive it, while he him-  
 self is in great destitution. Nor does he fail to 46  
 see Phormio's condition. And yet if on this ground  
 you think you have a claim on Phormio's property,  
 because he once belonged to your father, Anti-  
 machus has a stronger claim than you have. For  
 your father in his turn belonged to those men, so  
 that both you and Phormio by this argument belong  
 to Antimachus. But you are so lost to all proper  
 feeling, that you yourself compel people to say  
 things which you ought to hate anyone for saying.  
 You disgrace yourself and your dead parents, and 47  
 you cast reproach upon the state, and instead of  
 adorning and cherishing this good fortune<sup>a</sup> which  
 your father, and afterward Phormio have come to  
 enjoy through the kindness of these men, so that  
 it might have appeared as the highest of honours for  
 those who gave it and for you who obtained it, you  
 drag it into public view, you point the finger of scorn  
 at it, you criticize it ; you all but taunt the Athenians  
 for admitting to citizenship a person like yourself.  
 Indeed you have come to such a pitch of insanity— 48  
 what other name can one find for it ?—as not to see  
 that at this moment *we*, who claim that, since Phormio

## DEMOSTHENES

ἐπειδήπερ ἀπηλλάγη Φορμίων, μηδέν' ὑπόλογον εἶναι, εἴ ποτε τοῦ σοῦ πατρὸς ἐγένετο, ὑπὲρ σοῦ λέγομεν, σὺ δὲ μηδέποτ' ἐξ ἴσου σοι γενέσθαι τοῦτον ἀξιῶν, κατὰ σαυτοῦ λέγεις· ἃ γὰρ ἂν σὺ δίκαια σαυτῷ κατὰ τούτου τάξεως, ταῦτά ταυθ' ἤξει κατὰ σοῦ παρὰ τῶν τὸν σὸν πατέρ' ἐξ ἀρχῆς κτησαμένων.

Ἄλλὰ μὴν ὅτι κακείνος ἦν τινῶν, εἴτ' ἀπηλλάγη τὸν αὐτὸν τρόπον, ὄνπερ οὗτος ἀφ' ὑμῶν, λαβέ μοι ταυτασὶ τὰς μαρτυρίας, ὡς ἐγένετο Πασίων Ἀρχεστράτου.

### ΜΑΡΤΥΡΙΑΙ

- 49 Εἶτα τὸν σώσαντα μὲν ἐξ ἀρχῆς τὰ πράγματα καὶ πολλὰ χρήσιμον αὐτὸν παρασχόντα τῷ πατρὶ τῷ τούτου, τοσαῦτα δ' αὐτὸν τοῦτον ἀγάθ' εἰργασμένον, ὅσ' ὑμεῖς ἀκηκόατε, τοῦτον οἶεται δεῖν ἔλῶν τηλικαύτην δίκην ἀδίκως ἐκβαλεῖν. οὐ γὰρ ἄλλο γ' ἔχοις οὐδὲν ἂν ποιῆσαι. εἰς μὲν γὰρ τὰ ὄντ' εἰ βλέποις ἀκριβῶς, ταυθ' εὐρήσεις ὧν ἔστιν, ἐάν, ὃ
- 50 μὴ γένοιτ', ἐξαπατηθῶσιν οὗτοι. ὀρᾶς τὸν Ἀριστόλοχον τὸν Χαριδήμου· ποτ' εἶχεν ἀγρόν, εἰτά γε νῦν πολλοί· πολλοῖς γὰρ ἐκεῖνος ὀφείλων αὐτὸν ἐκτήσατο. καὶ τὸν Σωσίνομον καὶ τὸν Τιμόδημον καὶ τοὺς ἄλλους τραπεζίτας, οἳ, ἐπειδὴ διαλύειν ἐδέησεν οἷς ὄφειλον, ἐξέστησαν ἀπάντων τῶν
- [960] ὄντων. σὺ δ' οὐδὲν οἶει δεῖν σκοπεῖν οὐδ' ὧν ὁ

<sup>a</sup> The property of Phormio consisted chiefly in the money of the depositors which he had invested in divers ways. If heavy damages were assessed against him, the depositors would at once demand their money, and such a run on the bank would be ruinous.

has received his freedom, it should not be remembered against him that he once belonged to your father, are speaking in your interest ; while *you*, in insisting that he should never be on a footing of equality with yourself, are speaking against yourself ; for the same rule, which you lay down as just for yourself against Phormio, will be advanced against you by those who at the first were the masters of your father.

To prove that Pasio also was somebody's slave, and that he afterwards won his freedom in the same manner in which Phormio won his from you, take, please, these depositions, which show that Pasio belonged to Arcestratus.

#### THE DEPOSITIONS

The man, then, who at the first saved the family 49 fortune, and rendered himself useful in many ways to this man's father, the man who has conferred upon Apollodorus himself all the benefits of which you have heard, he it is against whom the plaintiff seeks a judgement with such heavy damages, and thinks proper to cast out in ruin contrary to all right. For that, Apollodorus, is all that you could possibly accomplish. For, if you look closely at the property, you will see to whom it belongs, in case—which heaven forbid !—these jurymen are misled by you.<sup>a</sup> Do you see 50 Aristolochus, son of Charidemus ? Once he possessed some land ; now many people own it ; for he acquired it while he was in debt to many. And Sosinonius and Timodemus and the other bankers, who, when they had to settle with their creditors, had to give up all their property. But you think it unnecessary to have regard even for the precautions

## DEMOSTHENES

- πατήρ σοῦ πολλῶ βελτίων ὦν καὶ ἄμεινον φρονῶν  
 51 πρὸς ἅπαντ' ἐβουλεύσατο· ὅς, ὦ Ζεῦ καὶ θεοί,  
 τοσοῦτῳ τοῦτον ἡγεῖτο σοῦ πλείονος ἄξιον εἶναι καὶ  
 σοὶ καὶ ἑαυτῷ καὶ τοῖς ὑμετέροις πράγμασιν, ὥστ'  
 ἀνδρὸς ὄντος σοῦ τοῦτον, οὐ σὲ τῶν ἡμίσεων κατ-  
 ἔλιπεν ἐπίτροπον καὶ τὴν γυναῖκ' ἔδωκε καὶ ζῶν  
 αὐτὸν ἐτίμα, δικαίως, ὦ ἄνδρες Ἀθηναῖοι· οἱ μὲν  
 γὰρ ἄλλοι τραπεζῖται μίσθωσιν οὐ φέροντες, ἀλλ'  
 αὐτοὶ αὐτοῖς ἐργαζόμενοι, πάντες ἀπώλοντο, οὗτος  
 δὲ μίσθωσιν φέρων δύο τάλαντα καὶ τετταράκοντα  
 52 μνᾶς ὑμῖν ἔσωσε τὴν τράπεζαν. ὦν ἐκεῖνος μὲν  
 χάριν εἶχεν, σὺ δ' οὐδένα ποιεῖ λόγον, ἀλλ' ἐναντία  
 τῇ διαθήκῃ καὶ ταῖς ἀπ' ἐκείνης ἀραιῖς, γραφείσαις  
 ὑπὸ τοῦ σοῦ πατρός, ἐλαύνεις, διώκεις, συκο-  
 φαντεῖς. ὦ βέλτιστ', εἰ οἶόν τε σὲ τοῦτ' εἰπεῖν, οὐ  
 παύσει, καὶ γνώσει τοῦθ' ὅτι πολλῶν χρημάτων  
 τὸ χρηστὸν εἶναι λυσιτελέστερόν ἐστι; σοὶ γοῦν,  
 εἴπερ ἀληθῆ λέγεις, χρήματα μὲν τοσαῦτ' εἰληφότι  
 πάντ' ἀπόλωλεν, ὡς φῆς· εἰ δ' ἦσθ' ἐπικεικῆς, οὐκ  
 ἂν ποτ' αὐτ' ἀνήλωσας.  
 53 Ἄλλ' ἔγωγε μὰ τὸν Δία καὶ θεοὺς πανταχῇ  
 σκοπῶν οὐδὲν ὄρω, δι' ὃ τι ἂν σοὶ πεισθέντες τουδὶ  
 καταψηφίσαιτο. τί γάρ; ὅτι πλησίον ὄντων τῶν  
 ἀδικημάτων ἐγκαλεῖς; ἀλλ' ἔτεσιν καὶ χρόνοις  
 ὕστερον αἰτιᾶ. ἀλλ' ὅτι τοῦτον ἀπράγμων ἦσθα  
 τὸν χρόνον; καὶ τίς οὐκ οἶδ' ὅσα πράγματα πρᾶτ-  
 των οὐ πέπαυσαι, οὐ μόνον δίκας ἰδίας διώκων οὐκ

which your father, a far better man than you and a wiser, took to meet all contingencies. He—O Zeus <sup>51</sup> and the gods—esteemed Phormio to be so much more valuable than you both to yourself and to him and to your business, that, although you were a man grown, it was to Phormio, not to you, that he left the control of the leases, and gave him his wife in marriage and honoured him as long as he lived. And justly too, men of Athens. For other bankers, who had no rent to pay, but carried on their business on their own account, have all come to ruin; while Phormio, who paid a rent of two talents and forty minae, saved the bank for you. For this Pasio was grateful to him, <sup>52</sup> but you make no account of it. Nay, in defiance of the will and the imprecations written in it by your father, you harass him, you prosecute him, you calumniate him. My good sir—if you can be addressed by this term—will you not desist, and know this—that to be honest profits more than great wealth? In your own case, at any rate, although, if your words are true, you received all this money, it has all been lost, as you say. But, if you had been a man of character, you would not have squandered it.

For my own part, by Zeus and the gods, though <sup>53</sup> I look at the matter from every side, I can see no reason why the jury should be induced by you to give a verdict against the defendant. Why should they? Because you make your charges so soon after the offence? But you make them years and ages later. Ah, but you avoided the trouble of lawsuits all this time? But who does not know of all the cases in which you have been engaged without ceasing, not only prosecuting private suits of no less import-

DEMOSTHENES

ἐλάττους ταυτησί, ἀλλὰ καὶ δημοσίᾳ συκοφαντῶν  
καὶ κρίνων τινάς; οὐχὶ Τιμομάχου κατηγορεῖς;  
οὐ Καλλίππου τοῦ νῦν ὄντος ἐν Σικελίᾳ; οὐ πάλιν  
[961] Μένωνος; οὐκ Αὐτοκλέους; οὐ Τιμοθέου; οὐκ  
54 ἄλλων πολλῶν; καίτοι πῶς ἔχει λόγον σὲ Ἀπολ-  
λόδωρον ὄντα, πρότερον τῶν κοινῶν, ὧν μέρος  
ἡδικοῦ, δίκην ἀξιοῦν λαμβάνειν, ἢ τῶν ἰδίων ὧν νῦν  
ἐγκαλεῖς, ἄλλως τε καὶ τηλικούτων ὄντων, ὡς σὺ  
φῆς; τί ποτ' οὖν ἐκείνων κατηγορῶν τόνδ' εἶας;  
οὐκ ἡδικοῦ, ἀλλ' οἶμαι συκοφαντεῖς νῦν. ἡγοῦμαι  
τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, πάντων μάλιστα εἰς τὸ  
πρᾶγμ' εἶναι τούτων μάρτυρας παρασχέσθαι· τὸν  
γὰρ συκοφαντοῦντ' ἀεὶ τί χρῆ νομίζειν νῦν ποιεῖν;  
55 καὶ νῆ Δί' ἔγωγ', ὧ ἄνδρες Ἀθηναῖοι, νομίζω,  
πάνθ' ὅσα τοῦ τρόπου τοῦ Φορμίωνός ἐστι σημεῖα  
καὶ τῆς τούτου δικαιοσύνης καὶ φιλανθρωπίας, καὶ  
ταῦτ' εἰς τὸ πρᾶγμ' εἶναι πρὸς ὑμᾶς εἰπεῖν. ὁ μὲν  
γὰρ περὶ πάντ' ἄδικος τάχ' ἂν, εἰ τύχοι, καὶ τοῦτον  
ἡδίκηι· ὁ δὲ μηδένα μηδὲν ἡδικηκῶς, πολλοὺς δ'  
εὖ πεποιηκῶς ἐκῶν, ἐκ τίνος εἰκότως ἂν τρόπου  
τοῦτον μόνον ἡδίκηι τῶν πάντων;

Τούτων τοίνυν τῶν μαρτυριῶν ἀκούσαντες γνώ-  
σεσθε τὸν ἑκατέρου τρόπον.

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<sup>a</sup> Timomachus, Meno, and Autocles (see Oration L.) were successive commanders of the Athenian fleet in Thracian waters, where Apollodorus served as trierarch. Callippus is all but certainly to be identified with the trierarch of that name, who at the bidding of Timomachus, and after Apollo-



ance than the present one, but maliciously trumping up public charges, and bringing men to trial? Did you not accuse Timomachus? Did you not accuse Callippus, who is now in Sicily? Or, again, Meno? or Autocles? or Timotheus? or hosts of others? <sup>a</sup> But 54 is it reasonable to believe that you, who are Apollodorus, would deem it your duty to seek satisfaction for public wrongs, which touched you only in part, sooner than for the private wrongs, concerning which you now bring charges, especially when they were as grave as you now claim? Why, then, did you accuse those men, and leave Phormio alone? You were suffering no wrong, but methinks the charges which you are now bringing are baseless and malicious. I think, then, men of Athens, that nothing could be 55 more to the purpose than to bring forward witnesses to these facts. For if one is continually making baseless charges, what can one expect him to do now? In truth, men of Athens, I think that whatever serves as an index of Phormio's character, and of his uprightness and his generosity, I may rightly bring before you as something quite to the purpose. For one who is dishonest in all matters might perhaps have wronged the plaintiff among others; but a man who has never wronged anybody in anything, but, on the contrary, has voluntarily done good to many, how could he reasonably be thought to have wronged Apollodorus alone of all men?

When you have heard these depositions, you will know the character of either.

dorus's own refusal to do so, had transported the exile Callistratus from Macedonia to Thasos. Timotheus was the well-known Athenian general, against whom Apollodorus brought also a private suit to recover funds (Oration XLIX.).

## DEMOSTHENES

### ΜΑΡΤΥΡΙΑΙ

56 Ἴθι δὴ λαβὲ τὰς πρὸς Ἀπολλόδωρον τῆς πονηρίας.

### ΜΑΡΤΥΡΙΑΙ

Ἄρ' οὖν ὅμοιος οὐτοσί; σκοπεῖτε. λέγε.

### ΜΑΡΤΥΡΙΑΙ

Ἀνάγνωθι δὴ καὶ ὅσα δημοσίᾳ χρήσιμος τῇ πόλει γέγον' οὐτοσί.

### ΜΑΡΤΥΡΙΑΙ

57 Τοσαῦτα τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, Φορμίων χρήσιμος τῇ πόλει γεγωνῶς καὶ πολλοῖς ὑμῶν, καὶ οὐδέν' οὔτ' ἰδίᾳ οὔτε δημοσίᾳ κακὸν οὐδέν' εἰργασμένος, οὐδ' ἀδικῶν Ἀπολλόδωρον τουτονί, δέεται  
 [962] καὶ ἰκετεύει καὶ ἀξιοῖ σωθῆναι, καὶ ἡμεῖς συνδεόμεθ' οἱ ἐπιτήδειοι ταῦθ' ὑμῶν. ἐκείνο δ' ὑμᾶς ἀκοῦσαι δεῖ. τοσαῦτα γάρ, ὦ ἄνδρες Ἀθηναῖοι, χρήμαθ' ὑμῖν ἀνεγνώσθη προσηυπορηκῶς, ὅσ' οὔθ' οὗτος οὔτ' ἄλλος οὐδεὶς κέκτηται. πίστις μέντοι Φορμίωνι παρὰ τοῖς εἰδόσι καὶ τοσοῦτων καὶ πολλῶ πλειόνων χρημάτων, δι' ἧς καὶ αὐτὸς ἑαυτῶ  
 58 καὶ ὑμῖν χρήσιμός ἐστιν. ἂ μὴ προῆσθε, μηδ' ἐπιτρέψητ' ἀνατρέψαι τῷ μιᾶρῷ τούτῳ ἀνθρώπῳ, μηδὲ ποιήσητ' αἰσχρὸν παράδειγμα, ὡς τὰ τῶν ἐργαζομένων καὶ μετρίως ἐθελόντων ζῆν τοῖς βδελυροῖς καὶ συκοφάνταις ὑπάρχει παρ' ὑμῶν

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<sup>a</sup> I follow Sandys in the interpretation of this passage.

## FOR PHORMIO, 56-58

### THE DEPOSITIONS

Now read those which bear upon the baseness of 56 Apollodorus.

### THE DEPOSITIONS

Is this fellow of like stamp? Consider. Read on.

### THE DEPOSITIONS

Now read all the services which Phormio has rendered to the state.

### THE DEPOSITIONS

Phormio, then, men of Athens, who has in so many 57 ways proved himself of service to the state and to many of you, and has never done harm to anyone either in public or in private, and who is guilty of no wrong toward this man Apollodorus, begs and implores and claims your protection, and we, his friends, join in the same plea to you. Of another fact, too, you should be informed. Depositions have been read to you, men of Athens, showing that the defendant has supplied you with funds in excess of the whole amount that he or anybody else possesses; but Phormio has credit with those who know him for so great an amount and for far larger sums, and through this he is of service both to himself and to you.<sup>a</sup> Do not throw this away, 58 nor suffer this abominable fellow to destroy it; do not establish a shameful precedent, that it is permitted by you that rascals and sycophants should take the property of those who are active in business and who lead well-ordered lives. Far greater advantage

## DEMOSTHENES

- λαβεῖν· πολὺ γὰρ χρησιμώτερ' ὑμῖν παρὰ τῷδ' ὄνθ' ὑπάρχει. ὁρᾶτε γὰρ αὐτοὶ καὶ ἀκούετε τῶν μαρ-
- 59 τύρων, οἷον ἑαυτὸν τοῖς δεηθεῖσιν παρέχει. καὶ τούτων οὐδὲν εἵνεκα τοῦ λυσιτελοῦντος εἰς χρήματα πεποίηκεν, ἀλλὰ φιλανθρωπία καὶ τρόπου ἐπιεικεία. οὐκ οὐκ ἄξιον, ὦ ἄνδρες Ἀθηναῖοι, τὸν τοιοῦτον ἄνδρα προέσθαι τούτῳ, οὐδὲ τηνικαῦτ' ἐλεεῖν ὅτ' οὐδὲν ἔσται τουτωὶ πλέον, ἀλλὰ νῦν ὅτε κύριοι καθέστατε σῶσαι· οὐ γὰρ ἔγωγ' ὁρῶ καιρόν,
- 60 ἐν ᾧ τινι μᾶλλον ἂν βοηθήσειέ τις αὐτῷ. τὰ μὲν οὖν πόλλ' ὦν Ἀπολλόδωρος ἐρεῖ, νομίζετ' εἶναι λόγον καὶ συκοφαντίας, κελεύετε δ' αὐτὸν ὑμῖν ἐπιδεῖξαι, ἢ ὡς οὐ διέθετο ταῦθ' ὁ πατήρ, ἢ ὡς ἔστι τις ἄλλη μίσθωσις πλὴν ἧς ἡμεῖς δείκνυμεν, ἢ ὡς οὐκ ἀφῆκεν αὐτὸν διαλογισάμενος τῶν ἐγκλημάτων ἀπάντων, ἃ ἔγνω θ' ὁ κηδεστής ὁ τούτου καὶ οὗτος αὐτὸς συνεχώρησεν, ἢ ὡς διδόασιν οἱ νόμοι δικάζεσθαι τῶν οὕτωπραχθέντων, ἢ τῶν τοιούτων τι
- 61 δεικνύναι. ἐὰν δ' ἀπορῶν αἰτίας καὶ βλασφημίας [963] λέγη καὶ κακολογῇ, μὴ προσέχετε τὸν νοῦν, μηδ' ὑμᾶς ἢ τούτου κραυγῇ καὶ ἀναίδει' ἐξαπατήσῃ, ἀλλὰ φυλάττετε καὶ μέμνησθ' ὅσ' ἡμῶν ἀκηκόατε. κἂν ταῦτα ποιῆτε, αὐτοὶ τ' εὐορκήσετε καὶ τουτονὶ δικαίως σώσετε, ἄξιον ὄντα νῆ τὸν Δία καὶ θεοὺς ἅπαντας.
- 62 Ἀνάγνωθι λαβὼν αὐτοῖς τὸν νόμον καὶ τὰς μαρτυρίας τασί.

FOR PHORMIO, 58-62

accrues to you from this wealth while it remains in the possession of the defendant. For you see for yourselves, and you hear from the witnesses, what a friend he shows himself to be to those in need. And 59 not one of these acts has he done with a view to pecuniary advantage, but from generosity and kindness of disposition. So it is not right, men of Athens, that you should give up such a man to be the prey of Apollodorus. Do not show Phormio pity at a time when it will be of no profit to him, but now when it is in your power to save him ; for I see no time in which one could more fittingly come to his aid than now. Most of what Apollodorus will say you must regard 60 as mere talk and baseless calumny. Bid him demonstrate to you, either that his father did not make this will, or that there is another lease than the one which we produce ; or that he himself after going over the reckoning did not give Phormio a release from all the claims regarding which his father-in-law made the award with the plaintiff's own concurrence ; or that the laws permit one to bring action regarding matters thus decided. Or bid him try to show anything of that sort. But if, for want of proofs, he goes on 61 uttering charges and calumnies and abuse, do not heed him, nor let his noisy talk and shamelessness lead you astray. Nay, keep in mind, and remember all that you have heard. If you do this you will be faithful to your oaths, and will save the defendant, as justice bids. By Zeus and all the gods he deserves it.

Take, and read them the law and these deposi- 62 tions.

## DEMOSTHENES

NOMOS. ΜΑΡΤΥΡΙΑΙ

Οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν. οἶμαι γὰρ ὑμᾶς  
οὐδὲν ἀγνοεῖν τῶν εἰρημένων. ἐξέρα τὸ ὕδωρ.

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<sup>a</sup> The speaker concludes without having exhausted the time allowed him ; there is, therefore, water left in the water-clock. This he effectively bids the attendant to pour out.

## FOR PHORMIO, 62

### THE LAW. THE DEPOSITIONS

I do not know what reason there is why I should say more ; for I believe that nothing that I have said has escaped you. Pour out the water.<sup>a</sup>

Oration XXXVIII. closes with these same words. In Oration LIV., while depositions are being read, the attendant is bidden to check the flow of the water.





# AGAINST PANTAENETUS



## INTRODUCTION

THIS somewhat difficult speech deals with a complicated situation growing out of successive transfers of a mining property in the district of Maroneia, in Attica. A certain Telemachus had originally purchased <sup>a</sup> the property from the state, and Pantaenetus bought it from him. Since, however, he lacked capital—whether to pay the purchase price or to carry on the work does not appear—he borrowed money from Mnesicles and others. After this transaction had been completed, and the title to the property had consequently passed to Mnesicles, Pantaenetus, finding himself unable to pay what was due when Mnesicles called for his money, was again forced to seek financial help, this time from Nicobulus and Evergus. These men agreed to purchase the mine from Mnesicles, and to lease it to Pantaenetus, receiving their interest in the form of rent from the profits of the mine. Pantaenetus, on his part, was by the terms of the lease given the right to buy back the mine within a given time.

After this matter had been arranged, Nicobulus went away on a trip to Pontus, and in his absence, Pantaenetus having failed to pay the stipulated rent, Evergus took possession of the property—the mine,

<sup>a</sup> The “purchase” amounted to a perpetual lease, the title remaining vested in the state.

## DEMOSTHENES

the slaves, and the accumulated silver ore. Whether he was within his rights in taking this action or whether he exceeded them is not made wholly clear (the word *πλημμελῶν*<sup>a</sup> is applied to his act in § 26); but Pantaenetus subsequently brought suit against him and recovered the large sum of two talents as damages.

When Nicobulus returned to Athens, he found that Evergus had taken over the mine. However, some new creditors of Pantaenetus had presented themselves advancing claims against the property; and Evergus and Nicobulus were glad to arrange a settlement whereby they became vendors of the mine to these claimants and themselves received the money which they had advanced. Nicobulus wisely exacted from Pantaenetus a release and discharge from all claims.

After Pantaenetus had won his suit against Evergus, he brought a similar suit against Nicobulus, alleging that the latter had abetted Evergus in the violent acts by which he had taken possession of the property. Nicobulus entered a special plea that the action was not admissible primarily because of the release and discharge given him by Pantaenetus, but also because the action for damages was one which could not properly be brought before a court sitting to decide mining cases.

It was in support of this plea in bar of action that the present speech was delivered. It is of high interest on account of the light which it throws on the question of the control and operation of the silver

<sup>a</sup> This word is borrowed from the field of music, but it came to be freely used to gloss over "mistakes" in the realm of morals.

## AGAINST PANTAENETUS

mines in the region of Laurium. Regarding these, the English reader can find much information in Boeckh's "Dissertation on the Silver Mines of Laurion," in his *Public Economy of Athens*, pp. 615 ff. (Ed. 2, translated by Lewis), and in the standard manuals on Greek antiquities. The Introduction prefixed to Kennedy's translation of this oration in his *Demosthenes*, vol. iv. pp. 219-224 (Bohn), is most helpful.

The oration is discussed in Schaefer, iii.<sup>2</sup> pp. 200 ff., and in Blass, iii. pp. 477 ff.

## XXXVII

### ΠΑΡΑΓΡΑΦΗ ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ

Δεδωκότων, ὧ ἄνδρες δικασταί, τῶν νόμων παραγράψασθαι, περὶ ὧν ἂν τις ἀφείς καὶ ἀπ-  
 αλλάξας δικάζεται, γεγενημένων ἀμφοτέρων μοι  
 πρὸς Πανταίνετον τουτονί, παρεγραψάμην, ὡς ἠκού-  
 σατ' ἀρτίως, μὴ εἰσαγώγιμον εἶναι τὴν δίκην, οὐκ  
 οἰόμενος δεῖν ἀφείσθαι τοῦ δικαίου τούτου, οὐδ',  
 ἐπειδὴν ἐξελέγξω πρὸς ἅπασιν τοῖς ἄλλοις καὶ ἀφει-  
 κότα τοῦτον ἑμαυτὸν καὶ ἀπηλλαγμένον, ἐγγενέσθαι  
 τούτῳ μὴ φάσκειν ἀληθῆ με λέγειν, καὶ ποιεῖσθαι  
 τεκμήριον, ὡς, εἴπερ ἐπράχθη τι τοιοῦτον, παρ-  
 εγραψάμην ἂν αὐτόν, ἀλλ' ἐπὶ ταύτης τῆς σκήψεως  
 εἰσελθὼν ἀμφοτέρ' ὑμῖν ἐπιδείξαι, καὶ ὡς οὐδὲν  
 ἠδίκηκα τοῦτον, καὶ ὡς παρὰ τὸν νόμον μοι δικά-  
 2 ζεται. εἰ μὲν οὖν ἐπεπόνθει τι τούτων Πανταίνετος  
 ὧν νῦν ἐγκαλεῖ, κατ' ἐκείνους ἂν τοὺς χρόνους  
 εὐθὺς ἐφαίνετό μοι δικαζόμενος, ἐν οἷς τὸ συμ-  
 βόλαιον ἡμῖν πρὸς ἀλλήλους ἐγένετο, οὐσῶν μὲν  
 ἐμμήνων τούτων τῶν δικῶν, ἐπιδημούντων δ' ἡμῶν  
 ἀμφοτέρων, ἀπάντων δ' ἀνθρώπων εἰωθότων παρ'

<sup>a</sup> That is, within a month from the time of filing the suit; "the object being that the mine-proprietor might not be too long detained from his business." (Boeckh, quoted by Sandys.)

## XXXVII

### NICOBULUS AGAINST PANTAENETUS, A SPECIAL PLEA

INASMUCH as the laws, men of the jury, have granted that a special plea be entered in cases where a man, after having given a release and discharge, nevertheless brings suit, and as both of these have been given me by Pantaenetus here, I have pleaded, as you have just now heard, that his suit is not admissible. I did not think that I should forgo this right, or that, after I had proved among other things that the plaintiff had released me, and that I had got rid of him, it should be open to him to declare that I was uttering a falsehood and to try to employ the argument that, if any such release had been granted me, I should have put in a special plea to bar his suit. No, I determined to come before you relying on this plea and to prove both points—that I have never done the plaintiff any wrong, and that he is suing me contrary to law. If Pantaenetus had suffered any of the wrongs <sup>2</sup> with which he now charges me, he would be found to have brought suit against me at the time when the contract between us was made, for these actions must be decided within the month,<sup>a</sup> and both Evergus and I were in town; since all men are wont to be most indig-

- αὐτὰ τὰδικήματα μᾶλλον ἢ χρόνων ἐγγεγενημένων  
 [967] ἀγανακτεῖν. ἐπειδὴ δ' οὐδὲν ἠδικημένος, ὡς καὶ  
 ὑμεῖς οἶδ' ὅτι φήσετε, ἐπειδὴ τὰ πεπραγμέν'  
 ἀκούσητε, τῷ κατορθῶσαι τὴν πρὸς Εὐέργον δίκην  
 ἐπηρμένος συκοφαντεῖ, ὑπόλοιπόν ἐστι παρ' ὑμῖν,  
 ὦ ἄνδρες δικασταί, ἐπιδείξανθ' ὡς οὐδ' ὅτιοῦν  
 ἀδικῶ, καὶ μάρτυρας ὧν ἂν λέγω παρασχόμενον,  
 3 πειράσασθαι σῶζειν ἑμαυτόν. δεήσομαι δὲ καὶ  
 δίκαια καὶ μέτρι' ὑμῶν ἀπάντων, ἀκοῦσαί τέ μου  
 περὶ ὧν παρεγραψάμην εὐνοϊκῶς, καὶ προσέχειν  
 ὄλω τῷ πράγματι τὸν νοῦν· πολλῶν γὰρ δικῶν ἐν  
 τῇ πόλει γεγενημένων, οὐδένα πω δίκην οὔτ' ἀν-  
 αιδεστέραν οὔτε συκοφαντικωτέραν οἶμαι φανήσε-  
 σθαι δεδικασμένον ἧς νῦν οὔτοσι λαχῶν εἰσελθεῖν  
 τετόλμηκεν. ἐξ ἀρχῆς δ', ὡς ἂν οἴός τ' ὦ διὰ  
 βραχυτάτων, ἅπαντα τὰ πραχθέντα διηγῆσομαι  
 πρὸς ὑμᾶς.
- 4 Ἐδανείσαμεν πέντε καὶ ἑκατὸν μνᾶς ἐγὼ καὶ  
 Εὐέργος, ὦ ἄνδρες δικασταί, Πανταινέτω τουτωί,  
 ἐπ' ἐργαστηρίῳ τ' ἐν τοῖς ἔργοις ἐν Μαρωνείᾳ καὶ  
 τριάκοντ' ἀνδραπόδοις. ἦν δὲ τοῦ δανείσματος  
 τετταράκοντα μὲν καὶ πέντε μναῖ ἑμαί, τάλαντον δ'  
 Εὐέργου. συνέβαινε δὲ τοῦτον ὀφείλειν Μνησικλεῖ  
 μὲν Κολλυτεῖ τάλαντον, Φιλέᾳ δ' Ἐλευσινίῳ καὶ  
 5 Πλείστορι πέντε καὶ τετταράκοντα μνᾶς. πρατῆρ  
 μὲν δὴ τοῦ ἐργαστηρίου καὶ τῶν ἀνδραπόδων ὁ  
 Μνησικλῆς ἡμῖν γίνεταί· καὶ γὰρ ἐώνητ' ἐκεῖνος

<sup>a</sup> Evergus and Nicobulus, as stated in the Introduction, had leased the mining property to Pantaenetus. As the lessee failed to pay the interest, Evergus, in the absence of Nicobulus, who had gone abroad, took possession of the property and even seized some silver which a slave of Pantaenetus was bringing to his master that he might make



nant at the very time of their wrongs, and not after  
 a period has intervened. Since, however, the plaintiff,  
 though he has suffered no wrong, as I know well you  
 will yourselves agree when you have heard the facts,  
 elated by the success of his suit against Evergus,<sup>a</sup>  
 brings a malicious and baseless action, there is no  
 other course left me, men of the jury, than to prove  
 in your court that I am guilty of no wrong whatever,  
 to produce witnesses in support of what I say, and to  
 endeavour to save myself. I shall make a reasonable 3  
 and fair request of you all, that you hear with goodwill  
 what I have to say regarding my special plea, and that  
 you give your attention to every aspect of the case. For,  
 while hosts of cases have been tried in Athens, I think  
 it will be shown that no man has ever brought before  
 you one so marked by shamelessness and malice as  
 this, which this fellow has had the audacity to bring  
 into your court. I shall with all possible brevity set  
 before you all the facts of the case.

Evergus and I, men of the jury, lent to this man 4  
 Pantaenetus one hundred and five minae on the security  
 of a mining property in Maroneia<sup>b</sup> and of thirty slaves.  
 Of this loan forty-five minae belonged to me, and a  
 talent to Evergus. It happened that the plaintiff also  
 owed a talent to Mnesicles of Collytus<sup>c</sup> and forty-five  
 minae to Phileas of Eleusis and Pleistor. The vendor 5  
 to us of the mining property and the slaves was  
 Mnesicles, for he had purchased them for the plaintiff

a payment due to the state. Because of this Pantaenetus  
 became a debtor to the state and was required to pay double  
 the amount due. He then sued Evergus, and won a verdict  
 of two talents damages.

<sup>b</sup> Maroneia was a small district in the mining area of  
 Laurium in Attica.

<sup>c</sup> Collytus was a deme of the tribe Aegæis.

DEMOSTHENES

αὐτὰ τούτῳ παρὰ Τηλεμάχου τοῦ πρότερον κε-  
κτημένου· μισθοῦται δ' οὗτος παρ' ἡμῶν τοῦ  
γιγνομένου τόκου τῷ ἀργυρίῳ, πέντε καὶ ἑκατὸν  
δραχμῶν τοῦ μηνὸς ἑκάστου. καὶ τιθέμεθα συν-  
θήκας, ἐν αἷς ἢ τε μίσθωσις ἦν γεγραμμένη καὶ  
6 λύσις τούτῳ παρ' ἡμῶν ἐν τινι ῥητῷ χρονῳ. πρα-  
[968] χθέντων δὲ τούτων ἐλαφηβολιῶνος μηνὸς ἐπὶ  
Θεοφίλου ἄρχοντος, ἐγὼ μὲν ἐκπλέων εἰς τὸν  
Πόντον εὐθύς ὠχόμην, οὗτος δ' ἐνθάδ' ἦν καὶ  
Εὐέργος. τὰ μὲν δὴ πραχθέντα τούτοις πρὸς  
αὐτούς, ἕως ἀπεδήμουν ἐγώ, οὐκ ἂν ἔχοιμ' εἰπεῖν.  
οὔτε γὰρ ταῦτ' ἀλέγουσιν οὔτ' αἰεὶ ταῦθ' οὗτός γε,  
ἀλλὰ τοτὲ μὲν ἐκπεσεῖν ὑπ' ἐκείνου βία παρὰ τὰς  
συνθήκας ἐκ τῆς μισθώσεως, τοτὲ δ' αὐτὸν αἴτιον  
αὐτῷ πρὸς τὸ δημόσιον γενέσθαι τῆς ἐγγραφῆς,  
7 τοτὲ δ' ἄλλ' ὅ τι ἂν βούληται. ἐκεῖνος δ' ἀπλῶς  
οὔτε τοὺς τόκους ἀπολαμβάνων οὔτε τῶν ἄλλων  
τῶν ἐν ταῖς συνθήκαις ποιούντος οὐδὲν τούτου,  
ἐλθὼν παρ' ἐκόντος τούτου λαβὼν ἔχειν τὰ ἑαυτοῦ·  
μετὰ ταῦτα δ' ἀπελθόντα τούτον ἤκειν τοὺς ἀμ-  
φισβητήσοντας ἄγοντα, αὐτὸς δ' οὐχ ὑπεξελθεῖν  
ἐκείνοις, τοῦτον δ' οὐχὶ κωλύειν ἔχειν ὅσ' ἐμι-  
σθώσατο, εἰ ποιοίη τὰ συγκεείμενα. τούτων μὲν  
8 δὴ τοιούτους ἀκούω λόγους. ἐκεῖνο δ' οἶδ' ὅτι, εἰ  
μὲν οὗτος ἀληθῆ λέγει καὶ δεινὰ πέπονθεν, ὥσπερ  
φήσ', ὑπὸ τοῦ Εὐέργου, ἔχει δίκην ἧς ἐτιμήσατ'

<sup>a</sup> That is, in March 347 B.C.

<sup>b</sup> See note *a*, p. 376, and the Introduction.

from Telemachus, the former owner ; and the plaintiff leased them from us at a rent equal to the interest accruing on the money, a hundred and five drachmae a month. We drew up an agreement in which the terms of the lease were stated, and the right was given the plaintiff of redeeming these things from us within a given time. When these transactions had 6 been completed in the month of Elaphebolion in the archonship of Theophilus,<sup>a</sup> I at once sailed away for Pontus, but the plaintiff and Evergus remained here. What transactions they had with one another while I was away, I cannot state, for they do not tell the same story, nor is the plaintiff always consistent with himself ; sometimes he says that he was forcibly ousted from his leasehold by Evergus in violation of the agreement ; sometimes that Evergus was the cause of his being inscribed as a debtor to the state ;<sup>b</sup> sometimes anything else that he chooses to say. But 7 Evergus tells a plain and consistent story, that since he was not receiving his interest, and the plaintiff was not performing any of the other things stipulated in the agreement, he went and took from the plaintiff, with the latter's consent, what was his own, and kept it ; that after this the plaintiff went away, but came back bringing men to make claim to the property ; that he on his own part did not give way in their favour, but made no objection to the plaintiff's holding that for which he had given a lease, provided he should observe the terms of the agreement. From these men, then, I hear stories of this sort. This, 8 however, I know well, that, if the plaintiff speaks the truth, and has been outrageously treated, as he says, by Evergus, he has had satisfaction to the amount at which he himself assessed his damages ; for he came

## DEMOSTHENES

αὐτός· εἶλε γὰρ εἰσελθὼν αὐτὸν ὡς ὑμᾶς, καὶ οὐ δῆπου τῶν αὐτῶν παρὰ τοῦ τε πεποιηκότος δίκαιός ἐστι δίκην λαβεῖν, καὶ παρ' ἐμοῦ τοῦ μηδ' ἐπιδημοῦντος· εἰ δ' ὁ Εὐέργος ἀληθῆ λέγει, σεσυκοφάντηται μὲν ὡς ἔοικεν ἐκείνος, ἐγὼ δ' οὐδ' οὕτως τῶν αὐτῶν φεύγοιμ' ἂν δίκην εἰκότως.

Ὡς οὖν ταῦτα πρῶτον ἀληθῆ λέγω, τούτων τοὺς μάρτυρας ὑμῖν παρέξομαι.

### ΜΑΡΤΥΡΕΣ

9 Ὅτι μὲν τοίνυν καὶ πρατῆρ ἦν ἡμῖν τῶν κτημά-  
 [969] των ὅσπερ ἐξ ἀρχῆς αὐτὸς ἐώνητο, καὶ κατὰ τὰς  
 συνθήκας οὗτος ἐμισθώσαθ' ἡμέτερον ὃν τὸ ἐργα-  
 στήριον καὶ τὰνδράποδα, καὶ οὔτε παρῆν ἐγὼ τοῖς  
 μετὰ ταῦτα πρὸς Εὐέργον τούτῳ πραχθεῖσιν οὔτ'  
 ἐπεδήμουν ὅλως, ἔλαχέν τε τὴν δίκην ἐκείνῳ καὶ  
 οὐδὲν πώποθ' ἡμῖν ἐνεκάλει, ἀκούετε τῶν μαρτύ-  
 10 ρων, ᾧ ἄνδρες δικασταί. ἐπειδὴ τοίνυν ἀφικόμην  
 σχεδόν τι πάντ' ἀπολωλεκῶς ὅσ' ἔχων ἐξέπλευσα,  
 ἀκούσας καὶ καταλαβὼν τοῦτον μὲν ἀφεστηκότα,  
 τὸν δ' Εὐέργον ἔχοντα καὶ κρατοῦνθ' ὧν ἐωνήμεθα,  
 θαυμαστώως ὡς ἐλυπήθην, ὁρῶν τὸ πρᾶγμά μοι  
 περιεστηκὸς εἰς ἄτοπον· ἢ γὰρ κοινωνεῖν ἔδει τῆς  
 ἐργασίας καὶ τῶν ἐπιμελειῶν τῷ Εὐέργῳ, ἢ χρή-  
 στην ἀντὶ τούτου τὸν Εὐέργον ἔχειν, καὶ πρὸς  
 ἐκείνον πάλιν μίσθωσιν γράφειν καὶ συμβόλαιον  
 380

## AGAINST PANTAENETUS, 8-10

into your court and won his suit against him ; and surely he has no right to obtain damages for the same wrongs both from the one who committed them and from me, who was not even in Athens. But, if it is Evergus who speaks the truth, he has been made the object, it appears, of a baseless and malicious charge ; but even so there is no ground for my being sued on the same charge.

To prove, in the first place, that I am speaking the truth in this, I shall bring before you the witnesses to establish these facts.

### THE WITNESSES

That, therefore, the man who sold us the property 9 was the man who had been the original purchaser ; that under the agreement the plaintiff rented the mining establishment and the slaves, recognizing them as belonging to us ; that I was not present at the transactions which subsequently took place between the plaintiff and Evergus, and indeed was not even in Athens ; that he brought suit against Evergus, and never made any charge against me,—all this, men of the jury, you hear from the witnesses. Well, then, when I came back, having lost practically 10 everything I had when I sailed, I heard, and found it was true, that the plaintiff had given up the property and that Evergus was in possession and control of what we had purchased. I was distressed beyond words, seeing that the matter had got into an awkward predicament ; for it was now necessary for me either to enter into partnership with Evergus for the working and management of the property, or have him for a debtor instead of Pantaenetus, and draw up a new lease and enter into a contract with him ; and I liked

## DEMOSTHENES

- 11 ποιείσθαι· τούτων δ' οὐδέτερον προηρούμην. ἀηδῶς δ' ἔχων οἷς λέγω τούτοις, ἰδὼν τὸν Μνησικλέα τὸν πρατῆρα τούτων ἡμῖν γεγενημένον, προσελθὼν ἐμεμφόμην αὐτῷ, λέγων οἶον ἄνθρωπον προὔξενησέ μοι, καὶ τοὺς ἀμφισβητοῦντας καὶ τί ταῦτ' ἐστὶν ἡρώτων. ἀκούσας δ' ἐκείνος, τῶν μὲν ἀμφισβητούντων κατεγέλα, συνελθεῖν δ' ἔφη τούτους βούλεσθαι πρὸς ἡμᾶς, καὶ συνάξειν αὐτὸς ἡμᾶς, καὶ παραινέσειν τούτῳ πάντα ποιεῖν τὰ δίκαι' ἐμοί, καὶ
- 12 οἷεσθαι πείσειν. ὡς δὲ συνήλθομεν, τὰ μὲν πολλὰ τί δεῖ λέγειν; ἤκον δ' οἱ δεδανεικέσαι φάσκοντες τούτῳ, ἐπὶ τῷ ἐργαστηρίῳ καὶ τοῖς ἀνδραπόδοις ἃ ἡμεῖς ἐπριάμεθα παρὰ Μνησικλέους, καὶ οὐδὲν ἦν ἀπλοῦν οὐδ' ὑγιὲς τούτων. πάντα δ' ἐξελεγχόμενοι ψευδῆ λέγοντες, καὶ τοῦ Μνησικλέους βεβαιούντος
- [970] ἡμῖν, προκαλοῦνται πρόκλησιν ἡμᾶς ὡς οὐ δεξομένους, ἢ κομίσασθαι τὰ χρήματα πάντα παρ' αὐτῶν καὶ ἀπελθεῖν, ἢ διαλυῆσαι σφᾶς ὑπὲρ ὧν ἐνεκάλουν, αἰτιώμενοι πολλῷ πλείονος ἄξι' ἔχειν
- 13 ὧν ἐδεδώκειμεν χρημάτων. ἀκούσας δ' ἐγώ, παραχρήμ', οὐδὲ βουλευσάμενος, κομίσασθαι συνεχώρησα, καὶ τὸν Εὐεργον ἔπεισα. ἐπειδὴ δ' ἔδει τὰ χρήμαθ' ἡμᾶς ἀπολαμβάνειν καὶ τὸ πρᾶγμ' εἰς τοῦτο προῆκτο, οὐκ ἔφασαν μετὰ ταῦτα δώσειν οἱ τότε ἐκεῖν' ἐπαγγειλάμενοι, εἰ μὴ πρατῆρες γιγνοίμεθ' ἡμεῖς τῶν κτημάτων αὐτοῖς, νοῦν ἔχοντες, ὧ ἄνδρες Ἀθηναῖοι, κατ' αὐτό γε

neither of these alternatives. Being vexed at the matters of which I am telling you, and happening to see Mnesicles, who had sold us the property, I came up to him, and reproached him, telling what sort of a man he had recommended to me, and I questioned him regarding the claimants, asking what this was all about. On hearing this, he laughed at the claimants, but stated that they wished to have a conference with us. He declared that he would bring us together, and that he would urge the plaintiff to do all that was right in my regard, and he thought he would persuade him to do so. When we had our meeting—what need is there to tell you all the details?—the men came who claimed to have made loans to the plaintiff on the security of the mining property and the slaves, which we bought from Mnesicles; and there was nothing straightforward or honest about them. Then, when they were convicted of falsehood in all their statements and Mnesicles confirmed our having bought the property, they offered us a challenge, assuming that we should not accept it, either to take all our money from them and withdraw, or to settle with them by paying their claims; for the security which we held was, they claimed, worth far more than the sums we had lent. When I heard this, on the spur of the moment and without even taking thought, I agreed to take my money, and I persuaded Evergus to adopt the same course. But when the time came for us to receive our money, the matter having been brought to this conclusion, the people who had previously made the offer declared then that they would not pay us unless we became vendors to them of the property, and in this point anyway, men of Athens, they were prudent; for they saw in what

## DEMOSTHENES

τούτο· ἑώρων γὰρ ἡμᾶς οἱ ἔσυκοφαντούμεθα ὑπὸ  
τούτου.

Ὡς οὖν καὶ ταῦτ' ἀληθῆ λέγω, λαβέ μοι καὶ  
ταύτας τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 14 Ἐπειδὴ τοίνυν τὸ πρᾶγμ' ἐνταῦθ' εἰστήκει, καὶ  
τὰ μὲν χρήματ' οὐ προΐενθ' οὐς ἐπήγαγεν οὗτος,  
ἡμεῖς δ' εἰκότως ἐφαινόμεθ' ὧν ἐωνήμεθα κρατεῖν,  
ἰκέτευεν ἑδεῖτ' ἠντιβόλει πρατῆρας ἡμᾶς γίγνεσθαι.  
ἀξιοῦντος δὲ τούτου καὶ πολλὰ δεηθέντος ἐμοῦ, καὶ
- 15 τί οὐ ποιήσαντος; καὶ τοῦθ' ὑπέμεινα. ὄρων δ'  
αὐτόν, ὧ ἄνδρες Ἀθηναῖοι, κακοήθη, καὶ τὸ μὲν  
ἐξ ἀρχῆς τοῦ Μνησικλέους κατηγοροῦντα πρὸς  
ἡμᾶς, πάλιν δ' ὧ φίλος ἦν τὰ μάλιστα, τῷ Εὐέργῳ,  
τούτῳ προσκεκρουκότα, καὶ τὸ μὲν πρῶτον ὡς  
ἐγὼ κατέπλευσα, ἄσμενον φάσκονθ' ἑορακένας με,  
ἐπειδὴ δ' ἔδει τὰ δίκαια ποιεῖν, ἐμοὶ πάλιν δυσ-  
κολαίνοντα, καὶ ἅπασιν μέχρι τοῦ προλαβεῖν καὶ  
τυχεῖν ὧν ἂν δέηται φίλον ὄντα, μετὰ ταῦτα δ'
- 16 [971] ἐχθρὸν καὶ διάφορον γιγνόμενον, ἠξίου ἀπαλλατ-  
τόμενος καὶ πρατὴρ ὑπὲρ τούτου γιγνόμενος, πάν-  
των ἀφεθεῖς τῶν ἐγκλημάτων καὶ ἀπαλλαγείς,  
οὕτω διαλύεσθαι. τούτων δὲ συγχωρηθέντων,  
οὗτος μὲν ἀφήκεν ἀπάντων ἐμέ, ἐγὼ δὲ πρατὴρ,  
ὡσπερ ἑδεῖθ' οὗτος, τῶν κτημάτων ἐγιγνόμενην,  
καθάπερ αὐτὸς ἐπριάμην παρὰ Μνησικλέους. κομι-  
σάμενος δὲ τὰμαυτοῦ, καὶ τοῦτον οὐδ' ὀτιοῦν



baseless and malicious charges we were involved by this fellow.

To prove that I am speaking the truth in this, take, please, these depositions also.

#### THE DEPOSITIONS

When the matter stood thus, and the people whom 14 the plaintiff had introduced to us would not give up the money, and it was clear that we were rightfully in possession of what we had purchased, he begged, and implored, and besought us to sell the property. As he made this demand and begged me most earnestly—there is nothing he did not do—I gave way in this matter also. I saw, however, men of 15 Athens, that he was a man of evil disposition, that at the outset he had made charges to us against Mnesicles, and then had quarrelled with Evergus, with whom he was on terms of closest friendship ; that at the first, when I returned from my voyage, he pretended that he was glad to see me, but when the time came for him to do what was right, he became surly with me ; that he was a friend to all men until he got some advantage and attained what he wanted, and thereafter became their foe and was at variance with them ; I therefore thought it best, if 16 I withdrew and assumed the position of vendor in this man's interest, that I should obtain a full release and discharge from all claims, and thus make a final settlement with him. This was agreed to, and he gave me a release in full, while I, as he begged me to do, assumed the position of vendor of the property, exactly as I had myself bought it from Mnesicles. Having, then, recovered my money, and having done the plaintiff no wrong whatsoever, I imagined, by

## DEMOSTHENES

ἀδικῶν, μὰ τοὺς θεοὺς, οὐδ' ἂν εἴ τι γένοιτ', ὥήθην  
 ἂν δίκην μοι λαχεῖν ποτὲ τοῦτον.

- 17 Τὰ μὲν δὴ γεγενημένα, καὶ περὶ ὧν οἴσετε τὴν  
 ψῆφον, καὶ δι' ἧ τὴν δίκην συκοφαντούμενος παρ-  
 εγραψάμην μὴ εἰσαγώγιμον εἶναι, ταῦτ' ἐστίν, ὧ  
 ἄνδρες δικασταί. παρασχόμενος δὲ μάρτυρας, οἳ  
 παρῆσαν ἡνίκ' ἀφιέμην ὑπὸ τούτου καὶ ἀπηλλατ-  
 τόμην, ὡς οὐκ εἰσαγώγιμος ἐκ τῶν νόμων ἐστὶν ἡ  
 δίκη, μετὰ ταῦτ' ἐπιδείξω.

Καί μοι λέγε ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

Λέγε δὴ μοι καὶ τὴν τῶν ἐωνημένων μαρτυρίαν,  
 ἵν' εἰδῆθ' ὅτι τούτου κελεύοντος αὐτ' ἀπεδόμην οἷς  
 οὗτος ἐκέλευσεν.

### ΜΑΡΤΥΡΙΑ

- 18 Οὐ τοίνυν μόνον ἡμῖν εἰσιν οὗτοι μάρτυρες, ὡς  
 ἀφείμεθα καὶ νῦν συκοφαντούμεθα, ἀλλὰ καὶ Παν-  
 ταίνετος αὐτός. ὅτε γὰρ λαγχάνων Εὐέργῳ τὴν  
 δίκην εἶασεν ἐμέ, τότε ἐμαρτύρει οὗτος πρὸς ἔμ'  
 αὐτῷ μηδὲν ἔγκλημ' ὑπόλοιπον εἶναι· οὐ γὰρ ἂν  
 δήπου, τῶν αὐτῶν ἀδικημάτων παρόντων ἀμφοῖν  
 ὁμοίως ἐγκαλῶν, τὸν μὲν εἶασεν τῷ δ' ἐδικάζετο.  
 ἀλλὰ μὴν ὅτι γ' οὐκ ἐῷσιν οἱ νόμοι περὶ τῶν οὕτω  
 πραχθέντων πάλιν λαγχάνειν, οἶμαι μὲν ὑμᾶς καὶ  
 [972] μηδὲν εἰπόντος ἐμοῦ γινώσκειν.

"Ὅμως δὲ λέγ' αὐτοῖς καὶ τὸν νόμον τουτονί.

## AGAINST PANTAENETUS, 16-18

the gods, that, no matter what should happen, he would never bring a suit against me.

These, men of the jury, are the facts regarding 17 which you are to cast your votes, these are the grounds upon which I have entered the special plea that this baseless and malicious suit is not maintainable. I shall bring forward witnesses who were present when I was given a release and discharge by the plaintiff, and shall then proceed to prove that under the law the suit is not maintainable.

Please read this deposition.

### THE DEPOSITION

Now, please, read the deposition of the purchasers, that you may be assured that I sold the property at the bidding of the plaintiff and to the persons to whom he bade me sell it.

### THE DEPOSITION

Not only have I these witnesses to prove that I 18 have been released and am now the object of a baseless and malicious charge, but Pantaenetus himself is a witness also. For when, in bringing suit against Evergus, he left me out of the question, he himself bore witness that he had no further claim against me. For surely, assuming that he had the same charge to bring against both for the same wrongdoing, he would not, when both were at hand, have passed over the one and brought suit against the other. However, that the laws do not allow a fresh suit to be brought regarding matters that have been thus settled you know, I presume, even without my telling you.

Nevertheless, read them this law also.

## DEMOSTHENES

### ΝΟΜΟΣ

- 19 Ἐκούετ', ὦ ἄνδρες Ἀθηναῖοι, τοῦ νόμου λέγοντος ἄντικρυς, ὧν ἂν ἀφῆ καὶ ἀπαλλάξῃ τις, μηκέτι τὰς δίκας εἶναι. καὶ μὴν ὅτι γ' ἀμφοτέρ' ἐστὶ πεπραγμένα ταῦτα τούτῳ πρὸς ἡμᾶς, ἠκούσατε τῶν μαρτύρων. ἀπάντων μὲν τοίνυν τῶν ἐν τοῖς νόμοις ἀπειρημένων οὐ προσήκει δικάζεσθαι, ἤκιστα δὲ τούτων. ἃ μὲν γὰρ τὸ δημόσιον πέπρακεν, ἔχοι τις ἂν εἰπεῖν ὡς ἀδίκως οὐ προσήκοντα
- 20 πέπρακεν· καὶ περὶ ὧν ἔγνω τὸ δικαστήριον, ἔστιν εἰπεῖν ὡς ἐξαπατηθὲν τούτ' ἐποίησε, καὶ περὶ τῶν ἄλλων τῶν ἐν τῷ νόμῳ καθ' ἑκάστου γένοιτ' ἂν τις εἰκότως λόγος. ἃ δ' αὐτὸς ἐπίσθη καὶ ἀφῆκεν, οὐκ ἔνι δήπουθεν εἰπεῖν οὐδ' ἑαυτὸν αἰτιάσασθαι, ὡς οὐ δικαίως ταῦτ' ἐποίησεν. οἱ μὲν οὖν παρὰ τῶν ἄλλων τι τούτων δικαζόμενοι, τοῖς ὑφ' ἑτέρων δικαίοις ὠρισμένοι οὐκ ἐμμένουσιν, ὁ δ' ὧν ἂν ἀφῆ πάλιν λαγχάνων τοῖς ὑφ' ἑαυτοῦ. διὸ πάντων μάλιστ' ἄξιον τούτοις χαλεπαίνειν.
- 21 Οὐκοῦν ὡς μὲν ἀφῆκέ με πάντων, ὅτ' ἐγινόμην τῶν ἀνδραπόδων πρατήρ, ἐπέδειξα· ὅτι δ' οὐκ ἐῷσιν οἱ νόμοι τούτων εἶναι δίκας, ἀκηκόατ' ἀρτίως ἀναγιγνωσκομένου τοῦ νόμου. ἵνα δ', ὦ ἄνδρες Ἀθηναῖοι, μή τις οἴηται τοῖς περὶ τῶν πραγμάτων αὐτῶν δικαίοις ἀλισκόμενόν μ' ἐπὶ τούτ' ἀποχωρεῖν, καὶ καθ' ἕκαστον ὧν ἐγκαλεῖ βούλομαι δεῖξαι αὐτὸν ψευδόμενον.

## THE LAW

You hear the law, men of Athens, expressly stating 19 that in cases where anyone has given a release and discharge, there shall be no further action. And that both these have been effected between the plaintiff and myself, you have heard from the witnesses. One should not, of course, bring suit in any case when the law forbids it, but least of all ought one in a case like this. For in regard to sales made by the state, one might claim that it had made the sale unjustly, or had sold what was not its own; and in regard to 20 court decisions it might be claimed that the decision had been rendered through error; and in all other cases where the law forbids action exception might plausibly be taken to each one. But when anyone has himself yielded to argument and given a release, he cannot in the very nature of the case charge himself with having acted unjustly. Those who bring suit in defiance of any other of these provisions fail to abide by what others have determined to be just; but he who again brings suit in matters regarding which he has given a release fails to abide by his own decision. Therefore, against all such your anger should be particularly severe.

Well then, that he released me from all claims, 21 when I sold the slaves to him, I have proved to you; and that the laws do not allow suits to be brought in such cases you have heard from the law which has just been read. However, that no one of you, men of Athens, may suppose that it is because I am at a disadvantage regarding the rights of the matters at issue that I have recourse to this special plea, I propose to show you that in every one of his charges against me his statements are false.

## DEMOSTHENES

22 Λέγε δ' αὐτὸ τὸ ἔγκλημ', ὃ μοι δικάζεται.

[973]

### ΕΓΚΛΗΜΑ

Ἐβλαψέ με Νικόβουλος ἐπιβουλεύσας ἐμοὶ καὶ τῇ οὐσίᾳ τῇ ἐμῇ, ἀφελέσθαι κελεύσας Ἀντιγέννην τὸν ἑαυτοῦ οἰκέτην τὸ ἀργύριον τοῦ ἐμοῦ οἰκέτου, ὃ ἔφερε καταβολὴν τῇ πόλει τοῦ μετάλλου, ὃ ἐγὼ ἐπριάμην ἐνενήκοντα μνῶν, καὶ αἴτιος ἐμοὶ γενόμενος ἐγγραφῆναι τὸ διπλοῦν τῷ δημοσίῳ.

- 23 Ἐπίσχεσ. ταυτὶ πάνθ', ἃ νῦν ἐγκέκληκεν ἐμοί, πρότερον τὸν Εὐέργον αἰτιασάμενος τὴν δίκην εἶλεν. μεμαρτύρηται μὲν δὴ καὶ ἐν ἀρχῇ μοι τοῦ λόγου πρὸς ὑμᾶς, ὡς ἀπεδήμουν, ὅτε τούτοις αἱ πρὸς ἀλλήλους ἐγίνοντο διαφοραί· οὐ μὴν ἀλλὰ καὶ ἐκ τοῦ ἐγκλήματος τούτου δηλὸν ἐστίν. οὐδαμοῦ γὰρ ὡς ἐγὼ τι πεποίηκα τούτων ἔγραψεν, ἀλλ' ὑπογράψας ἐπιβουλεύσαί μ' αὐτῷ καὶ τῇ οὐσίᾳ, προστάξαι φησὶ τῷ παιδί ταῦτα ποιεῖν, ψευδόμενος· πῶς γὰρ ἐγὼ προσέταξ' ἄν, ὃς ὄτ' ἐξέπλεον τῶν γενησομένων ἐνταῦθ' οὐδ' ὅτιοῦν δήπουθεν ἦδειν;
- 24 εἶτα καὶ πόση μωρία, λέγονθ' ὡς ἐπεβούλευον ἀτιμῶσαι καὶ τὰ ἔσχατα πράξαι, οἰκέτη με ταῦτα προστάξαι γεγραφέναι, ἃ οὐδὲ πολίτης πολίτην δύναται ἄν ποιῆσαι; τί οὖν ἐστι τοῦτο; οὐκ ἔχων οἶμαι κατ' οὐδὲν διὰ τὴν ἀποδημίαν εἰς ἐμὲ τούτων ἀνενεγκεῖν τι, συκοφαντεῖν δὲ βουλόμενος, ὡς προσέταξ' ἐνέγραψεν· οὐδὲ γὰρ λόγος ἦν, εἰ μὴ τοῦτ' ἐποίησεν.

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<sup>a</sup> Presumably the amount due to the state for the purchase of the mine, though the sum differs from the amount secured by the mortgage.

Read the complaint itself, which he brings against 22  
me.

THE COMPLAINT

Nicobulus has harmed me by laying a plot against me and against my property, having ordered Antigenes, his slave, to take away from my slave the silver which he was bringing to be paid to the state for the mining property which I bought for ninety minae,<sup>a</sup> and having also caused me to be inscribed as debtor to the treasury for double that amount.

Stop reading. All these charges which he has 23  
now lodged against me he previously made against Evergus, and won his suit. Now evidence has been brought before you in the opening of my speech that I was not in the country when these men quarrelled with one another; but the fact is clear from the complaint itself. For he nowhere stated that I have done any of these things, but, suggesting that I laid a plot against him and against his property, he declares that I ordered my slave to commit these acts; and in this he lies. For how could I have given this order, seeing that at the time I set sail I could by no possibility have had knowledge of what was going to happen here? And then how absurd when he says that I plotted 24  
to disenfranchise him and bring him to utter ruin, to have written in the charge that I ordered a slave to do this,—a thing which even a citizen could not do to another citizen.<sup>b</sup> What, then, is the meaning of this? I suppose that, being unable to refer to me the doing of any of these acts, but wishing to go on with his malicious suit, he wrote in the complaint that I had given the order. There was no sense in his charge, if he had not done this.

<sup>b</sup> That is, disenfranchisement could come only by act of the state itself.

## DEMOSTHENES

Λέγε τὰκόλουθον.

### ΕΓΚΛΗΜΑ

25 Καὶ ἐπειδὴ ὄφλον ἐγὼ τῷ δημοσίῳ, καταστήσας Ἀντιγένην τὸν ἑαυτοῦ οἰκέτην εἰς τὸ ἐργαστήριον τὸ ἐμὸν τὸ ἐπὶ Θρασύλλῃ κύριον τῶν ἐμῶν, ἀπαγορεύοντος ἐμοῦ.

[974] Ἐπίσχεσ. πάλιν ταυτὶ πάνθ' ὑπ' αὐτοῦ τοῦ πράγματος ἐξελεγχθήσεται ψευδόμενος. γέγραφεν γὰρ καταστήσασθαι μὲν ἐμέ, ἀπαγορεύειν δ' αὐτός. ταῦτα δ' οὐχ οἶόν τε τὸν μὴ παρόντα. οὔτε γὰρ<sup>1</sup> καθίστην ἐγώ, ὃ γ' ὦν ἐν τῷ Πόντῳ, οὔτ' ἀπηγόρευεν

26 οὗτος τῷ μὴ παρόντι· πῶς γάρ; πῶς οὖν εἰς ἀνάγκην ἦλθε ταῦθ' οὕτω γράψαι; ὁ Εὐεργος τότε οἶμαι πλημμελῶν ὦν δέδωκε δίκην, συνήθως ἔχων ἐμοὶ καὶ γνώριμος ὦν, κατέστησέ τιν' οἰκέτην οἰκοθεν λαβὼν παρ' ἐμοῦ φυλάττειν ὡς αὐτόν. εἰ μὲν οὖν ἔγραψε τάληθές, γέλως ἂν ἦν· τί γάρ, εἰ κατέστησεν Εὐεργος, ἐγὼ σ' ἀδικῶ; φεύγων δὲ τοῦτο τοιαῦτ' ἠνάγκασται γράφειν, ἵν' ἦ πρὸς ἐμ' αὐτῷ τὸ ἔγκλημα.

Λέγε τοῦφεξῆς.

### ΕΓΚΛΗΜΑ

Κάπειτα πείσας τοὺς οἰκέτας τοὺς ἐμοὺς καθέζεσθαι εἰς τὸν κευχεῶνα ἐπὶ βλάβῃ τῇ ἐμῇ.

27 Τοῦτὶ παντελῶς ἤδη καὶ ἀναιδές ἐστιν· οὐ γὰρ μόνον ἐκ τοῦ προκαλεῖσθαι τούτους παραδοῦναι,

<sup>1</sup> γὰρ γὰρ ἂν Blass.

<sup>a</sup> A site in Maroneia, so called from a monument of Thrasyllus which stood there.

<sup>b</sup> A euphemism for the violence and lawlessness with which Evergus had been charged by Pantaenetus.



## AGAINST PANTAENETUS, 25-27

Read what follows.

### THE COMPLAINT

And after I had become a debtor to the state, having stationed his slave Antigenes in my mining property at Thrasyllus,<sup>a</sup> in full control of my works, although I forbade him . . .

Stop reading. In all this he will again be convicted of falsehood by the facts themselves; for he has written in the complaint that I stationed the slave and that he forbade me. But this was impossible in the case of one who was not in the country. Neither did I station anyone, seeing that I was in Pontus, nor did he forbid a man who was not in Athens. How could he? What was it, then, that forced him to make this statement? I fancy that Evergus, at the time he made the mistakes<sup>b</sup> for which he has paid the penalty, being on friendly terms with me and well known, took the slave from my house and stationed him at his own works to keep guard. If, then, he had written the truth, it would have been ridiculous. For, if Evergus stationed the slave there, wherein do I wrong you? It was to avoid this absurdity that he was compelled to write as he did, that his charge might be directed against me.

Read what follows.

### THE COMPLAINT

And then having persuaded my slaves to sit in the foundry<sup>c</sup> to my prejudice.

This is out-and-out impudence. Not only from my challenging him to give up these slaves for torture

<sup>c</sup> The precise meaning of *κεγχρεών* cannot be determined. It seems to have denoted either the pit into which the silver was run when melted, or the furnace in which it was refined.

## DEMOSTHENES

τοῦτον δὲ μὴ θέλειν, ἀλλὰ καὶ ἐκ πάντων δῆλόν ἐστι ψεῦδος ὄν. τίνας γὰρ εἶνεκ' ἔπειθον; ἵνα νῆ Δί' αὐτοὺς κτήσωμαι. ἀλλ' αἰρέσεώς μοι δοθείσης ἢ ἔχειν ἢ κομίσασθαι τὰ ἑμαυτοῦ, εἰλόμην κομίσασθαι, καὶ ταῦτα μεμαρτύρηται.

Λέγε δὴ τὴν πρόκλησιν ὁμως.

### ΠΡΟΚΛΗΣΙΣ

- 28 Ταύτην τοίνυν οὐχὶ δεξάμενος τὴν πρόκλησιν, ἀλλὰ φυγών, σκέψασθ' οἷον εὐθέως μετὰ ταῦτ' ἐγκαλεῖ.

Λέγε τοῦχόμενον.

### ΕΓΚΛΗΜΑ

Καὶ κατεργασάμενος τὴν ἀργυρίτιν, ἣν οἱ ἐμοὶ οἰκέται ἠργάσαντο, καὶ ἔχων τὸ ἀργύριον τὸ ἐκ ταύτης τῆς ἀργυρίτιδος.

- [975] Πάλιν ταῦτα πῶς ἔνεστ' ἐμοὶ πεπραῆχθαι τῷ μὴ παρόντι, καὶ περὶ ὧν Εὐέργου κατεδικάσω;

Λέγε δ' αὐτοῖς τὸ ἐφεξῆς.

### ΕΓΚΛΗΜΑ

- 29 Καὶ ἀποδόμενος τὸ ἐργαστήριον τὸ ἐμὸν καὶ τοὺς οἰκέτας παρὰ τὰς συνθήκας, ὡς ἔθετο πρὸς με.

Ἐπίσχεσ. τουτὶ πολὺ πάνθ' ὑπερβέβληκε τ' ἄλλα. πρῶτον μὲν γὰρ παρὰ τὰς συνθήκας φησίν, ὡς ἔθετο πρὸς με. αὐταὶ δ' εἰσὶ τίνες; ἐμισθώσαμεν τῶν τόκων τῶν γιγνομένων τούτῳ τὰ ἡμέτερ' ἡμεῖς, καὶ ἄλλ' οὐδέν· πρατῆρ μὲν γὰρ ὁ Μνησικλῆς ἡμῖν  
30 ἐγεγόνει τούτου παρόντος καὶ κελεύοντος. μετὰ ταῦτα τὸν αὐτὸν τρόπον ἡμεῖς ἑτέροις ἀπεδόμεθα

and from his refusing to do so, but from every circumstance of the case its falsehood is manifest. Why, pray, should I have induced them to do this? That, forsooth, I might get possession of them. But when the option was given me either to keep the property or to recover my money, I chose to recover my money; and of this you have heard the evidence.

Nevertheless, read the challenge.

THE CHALLENGE

Although he did not accept the challenge, but declined it, see what a charge he makes immediately thereafter.

Read what comes next.

THE COMPLAINT

And having reduced the silver-ore which my slaves had dug, and keeping the silver smelted from that ore.

Again, how could this have been done by me when I was not here?—things, too, for which you won a judgement against Evergus?

Read the further charges.

THE COMPLAINT

And having sold my mining property and the slaves, contrary to the agreement which he had made with me.

Stop reading. This far outdoes all the rest. For in the first place he says, “contrary to the agreement which he had made with me.” What agreement is this? We leased our own property to this man, at a rent equal to the interest on the loan; that was all. It was Mnesicles who sold it to us, in the presence of the plaintiff and at his request. Afterwards in the same way we sold the property to others on the same

## DEMOSTHENES

ἐφ' οἷσπερ αὐτοὶ ἐπριάμεθα,<sup>1</sup> οὐ μόνον κελεύοντος ἔτι τούτου, ἀλλὰ καὶ ἰκετεύοντος· οὐδεὶς γὰρ ἤθελεν δέχεσθαι τοῦτον πρατῆρα. τί οὖν αἰ τῆς μισθώσεως ἐνταῦθα συνθήκαι; τί τοῦτ', ὦ φανλότατ' ἀνθρώπων, ἐνέγραψας;

Ἄλλὰ μὴν ὅτι σοῦ κελεύοντος καὶ ἐφ' οἷσπερ ἐωνήμεθ' αὐτοὶ πάλιν ἀπεδόμεθα, λέγε τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 31 Μαρτυρεῖς τοίνυν καὶ σύ· ἃ γὰρ ἡμεῖς πέντε καὶ ἑκατὸν μνῶν ἐωνήμεθα, ταῦθ' ὕστερον τριῶν ταλάντων καὶ δισχιλίων καὶ ἑξακοσίων ἀπέδου σύ· καίτοι τίς ἂν καθάπαξ πρατῆρά σ' ἔχων σοὶ δραχμὴν ἔδωκε μίαν;

Ἄλλὰ μὴν ὅτι ταῦτ' ἀληθῆ λέγω, κάλει μοι τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

- 32 Ἐχων μὲν τοίνυν ἦν ἐπείσθη τῶν αὐτοῦ τιμῆν, δεηθεὶς δ' ἐμοῦ τὸ γενέσθαι πρατῆρα καθ' ὃ συν-  
[976] ἔβαλον ἀργύριον, αὐτὸς δυοῖν ταλάντοις προσδικάζεται. καὶ τὰ λοιπὰ τῶν ἐγκλημάτων ἔτ' ἐστὶ δεινότερα.

Λέγε δὴ μοι τὸ λοιπὸν τοῦ ἐγκλήματος.

### ΕΓΚΛΗΜΑ

- 33 Ἐνταυθὶ πόλλ' ἄττα καὶ δεινὰ μοι ἄμ' ἐγκαλεῖ· καὶ γὰρ αἵκειαν καὶ ὕβριν καὶ βιαίων καὶ πρὸς ἐπικλήρους ἀδικήματα. τούτων δ' εἰσὶν ἐκάστου

<sup>1</sup> ἐφ' . . . ἐπριάμεθα omitted by Blass.

<sup>a</sup> The title was not vested in Pantaenetus, but in the other claimants to whom it had been transferred at his request.

<sup>b</sup> See § 45; and compare the oration against Meidias (XXI.) § 79.

## AGAINST PANTAENETUS, 30-33

terms upon which we had ourselves bought it, and the plaintiff not only urged but actually implored us to do so ; for no one was willing to accept him as the vendor. What, then, does the agreement to lease it have to do with the matter ? Why, most worthless of men, did you insert that clause ?

However, to prove that we resold the property at your request, and on the same terms as those upon which we ourselves bought it, read the deposition.

### THE DEPOSITION

You are yourself also a witness to this ; for what we 31 purchased for one hundred and five minae, this you afterward sold for three talents and twenty-six hundred drachmae. And yet who, if he had you<sup>a</sup> as one to complete a final sale, would have given a single drachma ?

To prove that I speak the truth in this, call, please, the witnesses who establish the facts.

### THE WITNESSES

He has, then, received the sum which he agreed to 32 take for his property,—he even begged me that I should assume the position of vendor for the sum which I had advanced—yet this same man sues me for two talents more. And the rest of the charges are even more outrageous.

Read, please, the remainder of the complaint.

### THE COMPLAINT

Here he brings against me in one mass a host of 33 dreadful charges ; for he accuses me of assault and battery, outrage, and of violent wrongs even against heiresses.<sup>b</sup> But for each of these wrongdoings actions

## DEMOSTHENES

χωρὶς αἱ δίκαι, καὶ οὔτε πρὸς ἀρχὴν τὴν αὐτὴν οὔθ' ὑπὲρ τιμημάτων τῶν αὐτῶν, ἀλλ' ἡ μὲν αἴκεια καὶ τὰ τῶν βιαίων πρὸς τοὺς τετταράκοντα, αἱ δὲ τῆς ὕβρεως πρὸς τοὺς θεσμοθέτας, ὅσα δ' εἰς ἐπικλήρους, πρὸς τὸν ἄρχοντα. οἱ δὲ νόμοι καὶ τούτων διδῶσιν τὰς παραγραφὰς ἀντιλαγχάνειν, περὶ ὧν οὐκ εἰσὶν εἰσαγωγεῖς.

Λέγ' αὐτοῖς τουτονὶ τὸν νόμον.

### ΝΟΜΟΣ

34 Τοῦτο τοίνυν ἐμοῦ παραγεγραμμένου πρὸς τῇ ἄλλῃ παραγραφῇ, καὶ οὐκ ὄντων εἰσαγωγέων τῶν θεσμοθετῶν ὑπὲρ ὧν λαγχάνει Πανταίνετος, ἐξαλλήλιπται καὶ οὐ πρόσεστι τῇ παραγραφῇ. τὸ δ' ὅπως ὑμεῖς σκοπεῖτε· ἐμοὶ μὲν γάρ, ἕως ἂν ἔχω τὸν νόμον αὐτὸν δεικνύναι, οὐδ' ὅτιοῦν διαφέρει· οὐ γὰρ τὸ γινώσκειν καὶ συνιέναι τὰ δίκαι' ὑμῶν ἐξαλείψαι δυνήσεται.

35 Λαβὲ δὴ καὶ τὸν μεταλλικὸν νόμον· καὶ γὰρ ἐκ τούτου δείξειν οἶομαι, οὔτ' οὔσαν εἰσαγωγίμον τὴν δίκην, χάριτός τ' ὧν μᾶλλον ἄξιος ἢ τοῦ συκοφαντεῖσθαι.

Λέγε.

### ΝΟΜΟΣ

Οὗτος σαφῶς ὁ νόμος διείρηκεν, ὧν εἶναι δίκας προσήκει μεταλλικός. οὐκοῦν ὁ μὲν νόμος, ἂν τις [977] ἐξείλλη τινὰ τῆς ἐργασίας, ὑπόδικον ποιεῖ· ἐγὼ δ' οὐχ ὅπως αὐτὸς ἐξείλλω τοῦτον, ἀλλ' ὧν ἄλλος

<sup>a</sup> "The Forty" were circuit judges.

<sup>b</sup> That is, the chief archon.

are separate : they do not come before the same magistrates and they are not for the recovery of the same penalties. Assault and battery and crimes of violence come before the Forty <sup>a</sup> ; cases of outrage before the Thesmothetae ; and all crimes against heiresses before the Archon.<sup>b</sup> And the laws grant the filing of pleas to bar action also in case of charges brought before magistrates who have not due competency.

Read them this law.

THE LAW

Although I had entered this exception in bar of <sup>34</sup> action in addition to the other, and although the Thesmothetae have not competency in the matters concerning which Pantaenetus is bringing his suit, it has been erased, and is not found in the plea as written. How this has come about it is for you to consider.<sup>c</sup> To me, so long as I am able to produce the law itself, it makes not the slightest difference : for he will not be able to erase from your minds your power to know and understand the right.

Take also the mining law. For I think I can show <sup>35</sup> you from this, too, that the action is not maintainable, and that I deserve thanks rather than to be made the object of a baseless and malicious charge.

Read.

THE LAW

This law has clearly defined in what cases mining actions may properly be brought. Observe—the law makes a man liable if he eject another from his workings ; but I, far from ejecting the plaintiff, gave over

<sup>c</sup> He hints that the omission of the exception filed by him was not an accident.

## DEMOSTHENES

ἀπεστέρει, τούτων ἐγκρατῆ κατέστησα καὶ παρ-  
 ἔδωκα, καὶ πρατῆρ τούτου δεηθέντος ἐγενόμην.  
 36 ναί, φησίν· ἀλλὰ κἂν ἄλλα ἀδικῆ τις περὶ τὰ  
 μέταλλα, καὶ τούτων εἰσὶ δίκαι. ὀρθῶς γ', ὦ  
 Πανταίνετε· ἀλλὰ ταῦτα τί ἐστίν; ἂν τύφῃ τις, ἂν  
 ὄπλ' ἐπιφέρῃ, ἂν ἐπικατατέμνῃ τῶν μέτρων ἐντός.  
 ταῦτ' ἐστὶ τᾶλλα, ὧν οὐδὲν δήπου πέπρακται πρὸς  
 ὑμᾶς ἐμοί, πλὴν εἰ τοὺς κομιζομένους ἂ προεῖντό  
 σοι, μεθ' ὄπλων ἤκειν νομίζεις. εἰ δὲ ταῦθ' ἤγει,  
 πρὸς ἅπαντας τοὺς προἰεμένους τὰ ἑαυτῶν εἰσὶ  
 37 σοι δίκαι μεταλλικαί. ἀλλ' οὐ δίκαιον. φέρε γάρ,  
 ὅστις ἂν μέταλλον παρὰ τῆς πόλεως πρίηται, τοὺς  
 κοινούς παρελθὼν νόμους, καθ' οὓς καὶ διδόναι καὶ  
 λαμβάνειν πᾶσι προσήκει δίκας, ἐν ταῖς μεταλ-  
 λικαῖς δικάσεται, ἐὰν δανείσῃται παρὰ τοῦ τι; ἂν  
 κακῶς ἀκούσῃ; ἂν πληγὰς λάβῃ; ἂν κλοπὴν  
 ἐγκαλῆ; ἂν προεισφορὰν μὴ κομίζηται; ἂν ὅλως  
 38 ἄλλο τι; ἐγὼ μὲν οὐκ οἶομαι, ἀλλὰ τὰς μεταλλικὰς  
 εἶναι δίκας τοῖς κοινωνοῦσι μετάλλου καὶ τοῖς  
 συντρήσασιν εἰς τὰ τῶν πλησίον καὶ ὅλως τοῖς  
 ἐργαζομένοις τὰ μέταλλα καὶ τῶν ἐν τῷ νόμῳ τι  
 ποιούσι, τῷ δὲ δανείσαντι Πανταίνετῳ, καὶ ταῦτ'  
 ἀπειληφότι γλίσχρως καὶ μόλις παρὰ τούτου, οὐκ  
 εἶναι δίκην μεταλλικὴν πρὸς φευκτέον, οὐδ' ἐγγύς.  
 39 Ὡς μὲν οὖν οὗτ' ἠδίκηκα τοῦτον οὐδὲν οὗτ'  
 εἰσαγώγιμος ἐκ τῶν νόμων ἐστὶν ἡ δίκη, ταῦτ' ἂν



to him and put him in possession of that of which another was seeking to deprive him ; and I became the vendor of it at his request. Yes, says he, but if 36 one commit other wrongs concerning mines, for these, too, actions may be brought. Certainly, Pantaenetus; but what are these ? If one smokes out another, if one makes an armed attack, if one makes cuttings which encroach upon another's workings. These are the other cases ; but I, of course, have done nothing of this sort to you, unless you hold that people who seek to recover what they had risked in a loan to you are making an armed attack. If you hold that view, you have mining suits against all those who risk their own money. But there is no justice in that. For 37 consider—if a man purchases a mine from the state, shall he disregard the general laws in accordance with which all men are bound to render and obtain justice, and bring suit in a mining court, if he borrows from another ?—if he be evil spoken of ?—if he be beaten ?—if he charge one with theft ?—if he fail to recover money advanced for another's tax ?—if, in short, he has any other ground for action ? I think not. Mining suits, in my judgement, are to be brought 38 against those sharing in the business of mining and those who have bored through into another's property, and, in short, against those engaged in mining who do any of the things mentioned in the law. But a man who has lent money to Pantaenetus, and by persistently sticking to him has with difficulty got it back, is not also to be made defendant in a mining suit ; I should say not !

That I have, therefore, done no wrong to the de- 39  
 fendant and that the suit is not admissible under the laws one may easily determine from a considera-

## DEMOSTHENES

τις σκοπῶν ῥαδίως γνοίη. οὐδὲν τοίνυν δίκαιον  
 ἔχων οὐδὲ καθ' ἓν λέγειν ὑπὲρ ὧν ἐγκαλεῖ, ἀλλὰ  
 [978] καὶ ψευδῆ γεγραφῶς εἰς τὸ ἔγκλημα καὶ περὶ ὧν  
 ἀφῆκε δικαζόμενος, τοῦ ἐξελθόντος, ὧ ἄνδρες Ἀθη-  
 ναῖοι, μηνός, ἐπειδὴ ἔμελλον εἰσιέναι τὴν δίκην, ἤδη  
 τῶν δικαστηρίων ἐπικεκληρωμένων, προσελθὼν καὶ  
 περιστήσας τοὺς μεθ' αὐτοῦ, τὸ ἐργαστήριον τῶν  
 40 συνεστώτων, πρᾶγμα ποιεῖ πάνδεινον· ἀναγιγνώ-  
 σκει μοι πρόκλησιν μακράν, ἀξιῶν, ὃν φησιν οἰ-  
 κέτην ταῦτα συνειδέναι, βασανίζεσθαι, κἂν μὲν ἦ  
 ταῦτ' ἀληθῆ, τὴν δίκην ἀτίμητον ὀφλεῖν αὐτῷ, ἐὰν  
 δὲ ψευδῆ, τὸν βασανιστὴν Μνησικλέα ἐπιγνώμον'  
 εἶναι τῆς τιμῆς τοῦ παιδός. λαβὼν δ' ἐγγυητὰς  
 τούτων παρ' ἐμοῦ, καὶ σημηναμένου τὴν πρόκλησιν  
 41 ἐμοῦ, οὐχ ὡς δίκαιον ὄν· ποῦ γάρ ἐστι δίκαιον, ἐν  
 οἰκέτου σώματι καὶ ψυχῇ, ἢ δὴ ὠφληκέναί τά-  
 λαντα, ἢ μηδὲν τὸν συκοφαντοῦντα ζημιουῖσθαι;  
 ἀλλ' ἐγὼ πολλῶ τῷ δικαίῳ περιεῖναι βουλόμενος  
 συνεχώρουν. καὶ μετὰ ταῦτα προσκαλεῖται μὲν με-  
 τὴν δίκην πάλιν, ἐπειδὴ θᾶπτον ἀνείλετο τὰς παρα-  
 καταβολάς· οὕτως εὐθύς ἦν δῆλος οὐδ' οἷς αὐτὸς  
 42 ὠρίσατ' ἐμμένων δικαίοις. ἐπειδὴ δ' ἤκομεν πρὸς  
 τὸν βασανιστὴν, ἀντὶ τοῦ τὴν πρόκλησιν ἀνοίξας  
 δεῖξαι τὰ γεγραμμένα καὶ κατὰ ταῦτα πράττειν ὅ-  
 τι δόξαι (διὰ γὰρ τὸν θόρυβον τότε καὶ τὸ μέλλειν

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<sup>a</sup> There is much obscurity here. The acceptance of the challenge by Nicobulus should have put an end to the action. The plaintiff had then the right to take back the

tion of these points. So, as he had not a single valid argument to advance in support of his charges, but had even incorporated false statements in his complaint, and was bringing suit regarding claims for which he had given a release, last month, men of Athens, when I was on the point of entering the court, and the court-rooms had already been allotted to the jurymen, he came up to me and surrounded me with his minions (that gang of his fellow-conspirators), and did a most outrageous thing. He read me a long 40 challenge, demanding that a slave who, he claimed, was acquainted with the facts, should be put to the torture ; and that, if the facts as alleged by him were true, I should have to pay him the damages charged without adjustment by the jury ; but if they were false, Mnesicles, the torturer, should determine the value of the slave. When he had received sureties to this agreement from me and I had sealed the challenge (not that I thought it fair ; for how could it be fair 41 that it should depend upon the body and life of a slave, whether I should be condemned to pay two talents, or the bringer of this malicious suit get off scot-free ? But I, wishing to prevail by a preponderance of fair play, made this concession)—after this he again summoned me in the suit, as soon as he had taken back his deposits ;<sup>a</sup> so clear did he make it at once that he would not abide by the conditions which he had himself laid down. But when we had come 42 before the torturer, instead of opening the challenge, showing its contents, and proceeding in accordance with its terms to do what seemed right (for on account of the turmoil at that time and the fact that sum deposited (as court-fees *πρυτανεία* ?) when the suit was brought.

## DEMOSTHENES

καλείσθαι τὴν δίκην τοιοῦτον ἦν· προκαλοῦμαί  
 σε ταυτί· δέχομαι· φέρε τὸν δακτύλιον· λαβέ· τίς  
 δ' ἐγγυητής; οὔτοςί· οὐδέν οὔτ' ἀντίγραφον, οὔτ'  
 ἄλλ' οὐδέν ἐποιησάμην τοιοῦτον) ἀντὶ δὴ τοῦ ταυθ'  
 [979] οὕτως ὥσπερ λέγω πράττειν, ἑτέραν ἤκεν ἔχων  
 πρόκλησιν, ἀξιῶν αὐτὸς βασανίζειν τὸν ἄνθρωπον,  
 καὶ ἐπιλαβόμενος εἶλκε, καὶ ἐνέλειπεν οὐδέν ἀσελ-  
 43 γείας. καὶ ἔγωγ' ἐνεθυμήθην, ὦ ἄνδρες δικασταί,  
 ἡλίκον ἐστὶ πλεονέκτημα τὸ καταπεπλάσθαι τὸν  
 βίον. ἐγὼ γὰρ ἐμαυτῷ ταῦτα πάσχειν ἐδόκουν  
 καταφρονούμενος τῷ ἀπλῶς καὶ ὡς πέφυκα ζῆν,  
 καὶ δίκην δίδόναι παμμεγέθη ταῦτ' ἀνεχόμενος.

“Οτι δ' οὖν ἠναγκαζόμεν, παρ' ἃ ἡγούμεν δίκαι'  
 εἶναι, ἀντιπροκαλείσθαι, καὶ τὸν οἰκέτην παρεδίδουν,  
 καὶ ὅτι ταῦτ' ἀληθῆ λέγω, λέγε τὴν πρόκλησιν.

### ΠΡΟΚΛΗΣΙΣ

44 Φυγῶν μὲν τοίνυν ταῦτα, φυγῶν δ' ἃ τὸ πρῶτον  
 αὐτὸς προῦκαλέσατο, ἔγωγ', ὅ τι ποτ' ἐρεῖ πρὸς  
 ὑμᾶς, θαυμάζω. ἵνα δ' εἰδῆθ' ὑφ' οὗ φησὶ καὶ τὰ  
 δεινὰ πεπονθέναι, θεάσασθε. οὗτός ἐστιν ὁ Παν-  
 ταινέτον ἐκβαλῶν, οὗτός ἐσθ' ὁ κρείττων τῶν  
 φίλων τῶν Πανταίνετον καὶ τῶν νόμων. οὐ γὰρ  
 ἔγωγ' ἐπεδήμουν, οὐδ' αὐτὸς ἐγκαλεῖ.

45 Βούλομαι δ' ὑμῖν καὶ δι' ὧν τοὺς πρότερον δικα-  
 στας ἐξαπατήσας εἶλε τὸν Εὐεργον εἰπεῖν, ἵν' εἰδῆθ'

---

<sup>a</sup> His own desire to live simply and naturally had caused him to be imposed upon, and to be despised as one lacking in spirit. The passage is variously interpreted, and the text is uncertain. The mss. have *καταπεπλήχθαι*, which yields no satisfactory sense, unless with Wolf we insert the negative *μή*. The meaning in that case would be that a life of ruthless self-assertion is a “great gain.”

the case was about to be called, it was like this : I offer you this challenge.—I accept it.—Let me have your ring.—Take it.—Who is your surety ?—This man here.—and I had taken no copy or anything else of that sort) : instead of acting in the way of which I speak, he had brought with him a different challenge, insisting that he should himself torture the man, and he laid hold of him, dragged him this way and that, and went beyond all bounds in blackguardly action. On my part, men of the jury, I was led to reflect what <sup>43</sup> gain there is in a life moulded to serve one's ends.<sup>a</sup> For it seemed to me that I was suffering this treatment because I was despised as one who lived a simple and natural life, and that I was paying a heavy penalty in having to submit to this.

However, to prove that I was compelled to give a counter-challenge contrary to what I thought was right, that I offered to give up the slave, and that I am speaking the truth in this, read the challenge.

#### THE CHALLENGE

Since he refused this, and refused the challenge <sup>44</sup> which he himself gave at the first, I wonder what in the world he will have to say to you. But that you may know who it is at whose hands he claims to have suffered these indignities—behold him ! <sup>b</sup> This is the man who dispossessed Pantaenetus ; this is the man who was stronger than the friends of Pantaenetus, and stronger than the laws. For I myself was not in Athens ; even he does not make that charge.

I wish to tell you also the means by which he misled <sup>45</sup> the former jury, and convicted Evergus, that you

<sup>b</sup> Here the speaker effectively brings before the jury the slave, Antigènes—a feeble, old man.

## DEMOSTHENES

ὅτι καὶ νῦν οὐδὲν οὔτ' ἀναιδεΐας οὔτε τοῦ ψεύδε-  
 σθαι παραλείψει. πρὸς δὲ τούτοις καὶ περὶ ὧν ἐμοὶ  
 δικάζεται νυνί, τὰς αὐτὰς οὔσας ἀπολογίας εὐρή-  
 σετε· ὅσπερ ἔλεγχος ἀκριβέστατός ἐστιν ὑπὲρ τοῦ  
 τότ' ἐκείνον σεσυκοφαντήσθαι. οὗτος γὰρ ἠτιάσατ'  
 ἐκείνον πρὸς ἅπασιν τοῖς ἄλλοις, ἐλθόντ' εἰς ἀγρὸν  
 ὡς αὐτόν, ἐπὶ τὰς ἐπικλήρους εἰσελθεῖν καὶ τὴν  
 46 μητέρα τὴν αὐτοῦ, καὶ τοὺς νόμους ἦκεν ἔχων τοὺς  
 [980] τῶν ἐπικλήρων πρὸς τὸ δικαστήριον. καὶ πρὸς μὲν  
 τὸν ἄρχοντα, ὃν τῶν τοιούτων οἱ νόμοι κελεύουσιν  
 ἐπιμελεῖσθαι, καὶ παρ' ᾧ τῷ μὲν ἡδίκηκότι κίν-  
 δυνος περὶ τοῦ τί χρῆ παθεῖν ἢ ἀποτεῖσαι, τῷ δ'  
 ἐπεξιόντι μετ' οὐδεμιᾶς ζημίας ἢ βοήθεια, οὐδέπω  
 καὶ τήμερον ἐξήτασται, οὐδ' εἰσήγγειλεν οὔτ' ἔμ'  
 οὔτε τὸν Εὐεργον ὡς ἀδικούντας, ἐν δὲ τῷ δικα-  
 στηρίῳ ταῦτα κατηγορεῖ καὶ δυοῖν ταλάντων εἶλε  
 47 δίκην. ἦν γάρ, οἶμαι, κατὰ μὲν τοὺς νόμους προ-  
 ειδότα τὴν αἰτίαν, ἐφ' ἣ κρίνεται, ῥάδιον τάληθῆ  
 καὶ τὰ δίκαι' ἐπιδείξαντ' ἀποφεύγειν, ἐν δὲ μεταλ-  
 λικῇ δίκῃ, περὶ ὧν οὐδ' ἂν ἠλπισεν αὐτοῦ  
 κατηγορηθῆσεσθαι, χαλεπὸν παραχρῆμ' ἔχειν ἀπο-  
 λύσασθαι τὴν διαβολήν· ἢ δ' ὀργὴ παρὰ τῶν  
 ἐξηπατημένων ὑπὸ τούτου δικαστῶν, ἐφ' ᾧ τὴν  
 48 ψῆφον εἶχον πράγματι, τοῦτο κατεψηφίσατο. καί-  
 τοι τὸν ἐκείνους ἐξηπατηκότα τοὺς δικαστάς, ἄρ'  
 ὀκνήσειεν ὑμᾶς ἐξαπατᾶν οἴεσθε; ἢ πεπιστευκότα

<sup>a</sup> Possibly, "the charges against me."

<sup>b</sup> Whereas in court the plaintiff ran the risk of having to pay the heavy penalty of the ἐπωβολία, if he failed to make good his case. See note *a*, p. 59.

<sup>c</sup> Due to the alleged intrusion into the women's apartments.

may realize that in this trial also there will be no limit to his impudence and that he will shrink from no falsehoods. More than this : in regard to his present suit against me, you will find my means of defence <sup>a</sup> are the same as those of Evergus, which is the most convincing proof that Evergus has been the victim of a malicious and baseless charge. For in addition to all the other accusations the plaintiff charged that Evergus came to his home in the country, and made his way into the apartments of his daughters, who were heiresses, and of his mother ; and he brought with him into court the laws concerning heiresses. And yet up to this day he has never <sup>46</sup> had the case examined before the Archon, whom the law appoints to have charge of such matters, and before whom the wrongdoer runs the risk of having punishment or fine adjudged against him, while by the prosecutor redress is sought without risk ; <sup>b</sup> nor has he impeached either me or Evergus as wrongdoers, but he made these charges in the court-room, and secured a verdict for two talents. For, I take it, <sup>47</sup> it would have been an easy matter for Evergus, if he had known in advance (as under the laws he should have known) the charge on which he was being tried, to set forth the truth of the matter and the justice of his cause, and so win acquittal ; but in a mining suit regarding matters concerning which he could never have imagined that he would be accused, it was hard to find, offhand, means to free himself from the false charges ; and the indignation <sup>c</sup> of the jurymen, who were misled by the plaintiff, found him guilty in the matter upon which they sat in judgement. And yet <sup>48</sup> do you think that the man who deceived those jurymen will hesitate to try to deceive you ?—or that he

## DEMOSTHENES

εἰσιέναι τοῖς πράγμασιν, ἀλλ' οὐ τοῖς λόγοις καὶ  
 τοῖς συνεστῶσι μεθ' αὐτοῦ μάρτυσι, τῷ τ' ἀ-  
 καθάρτῳ καὶ μιαρῷ Προκλεῖ, τῷ μεγάλῳ τούτῳ, καὶ  
 Στρατοκλεῖ τῷ πιθανωτάτῳ πάντων ἀνθρώπων καὶ  
 49 πονηροτάτῳ, καὶ τῷ μηδὲν ὑποσπελλόμενον μηδ'  
 αἰσχυρόμενον κλαήσειν καὶ ὀδυρεῖσθαι; καίτοι το-  
 σούτου δεῖς ἐλέου τινὸς ἄξιος εἶναι, ὥστε μισηθείης  
 ἂν δικαιοτάτ' ἀνθρώπων ἐξ ὧν πεπραγμάτευσαι·  
 ὅς γ' ὀφείλων μνᾶς ἑκατὸν καὶ πέντε καὶ οὐχ οἶός  
 τ' ὧν διαλυῖσαι, τοὺς ταῦτα συνευπορήσαντας καὶ  
 γενομένους αἰτίους σοι τοῦ τὰ δίκαια ποιῆσαι τοῖς  
 [981] συμβαλοῦσιν ἐξ ἀρχῆς, χωρὶς ὧν περὶ αὐτὰ τὰ  
 συμβόλαι' ἠδίκηεις, καὶ πρὸς ἀτιμῶσαι ζητεῖς. καὶ  
 τοὺς μὲν ἄλλους τοὺς δανειζομένους ἴδοι τις ἂν  
 ἐξισταμένους τῶν ὄντων· σοὶ δ' ὁ συμβεβληκῶς  
 τοῦτο πέπονθε, καὶ δανείσας τάλαντον, δὴ ὥφληκε  
 50 συκοφαντηθείς. ἐγὼ δὲ τετταράκοντα μνᾶς δανεί-  
 σας, δυοῖν τάλαντον ταυτηνὴν φεύγω δίκην. καὶ  
 ἐφ' οἷς δανείσασθαι μὲν οὐδεπώποτ' ἠδυνήθης  
 ἑκατὸν μνῶν πλέον, πέπρακας δὲ καθάπαξ τριῶν  
 τάλαντων καὶ δισχιλίων, εἰς ταῦτα τέτταρ' ὡς  
 ἔοικεν ἠδίκησαι τάλαντα. ὑπὸ τοῦ ταῦτα; ὑπὸ τοῦ  
 οἰκέτου νῆ Δία τοῦμοῦ. τίς δ' ἂν οἰκέτη παρα-  
 χωρήσειε πολίτης τῶν αὐτοῦ; ἢ τίς ἂν φήσειεν,  
 ὧν δίκην λαχὼν ἤρηκεν οὗτος Εὐεργον, τούτων καὶ  
 51 τὸν ἐμὸν παῖδ' ὑπεύθυνον εἶναι προσήκειν; χωρὶς  
 δὲ τούτων αὐτὸς αὐτὸν οὗτος ἀφῆκε τῶν τοιούτων

<sup>a</sup> That is, in round numbers. In § 31 the sum is given as three talents, twenty-six hundred drachmae.



comes into court with his confidence fixed upon the facts, and not rather upon assertions and upon the witnesses who are in league with him (that foul black-guard Procles, the tall fellow there, and Stratocles, the smoothest-tongued of men and the basest), and in his readiness to weep and wail without disguise or shame? But *you* are so far from deserving pity, 49 that more than any man in the world you should rightly be detested for the deeds you have wrought —*you* who, owing one hundred and five minae and not being able to satisfy your creditors, and then finding men who helped you to raise the money and enabled you to do what was right by those who originally made the loan, are seeking, quite apart from the wrongs you committed against them in regard to the loan itself, also to deprive them of their civic rights. In the case of other men one may see borrowers having to give up their property, but in your case it is the lender who has come to this plight, and, having lent a talent, has been forced to pay two talents as the victim of a baseless charge; and I, who lent forty minae, am defendant 50 in this suit for two talents. Again, on property on which you were never able to borrow more than one hundred minae, and which you sold outright for three talents and two thousand drachmae,<sup>a</sup> you have, as it seems, sustained damages to the amount of four talents! From whom? From my slave, you will say. But what citizen would let himself be ousted from his own property by a slave? Or who would say that it is right that my slave be held responsible for acts, for which the plaintiff has brought action against Evergus and obtained a verdict? Be- 51 sides all this, the plaintiff has himself given him a

## DEMOSTHENES

αἰτιῶν ἀπασῶν. οὐ γὰρ νῦν ἔδει λέγειν, οὐδ' εἰς τὴν πρόκλησιν γράφειν ἐν ἧ βασανίζειν ἐξήτει, ἀλλὰ λαχόντ' ἐκείνῳ τὴν δίκην τὸν κύριον διώκειν ἐμέ. νῦν δ' εἴληχεν μὲν ἐμοί, κατηγορεῖ δ' ἐκείνου. ταῦτα δ' οὐκ ἐῶσιν οἱ νόμοι· τίς γὰρ πώποτε τῷ δεσπότη λαχόν, τοῦ δούλου τὰ πράγμαθ', ὥσπερ κυρίου, κατηγόρησεν;

52 Ἐπειδὰν τοίνυν τις αὐτὸν ἔρηται “καὶ τί δίκαιον ἔξεις λέγειν πρὸς Νικόβουλον;” μισοῦσι, φησίν, Ἀθηναῖοι τοὺς δανείζοντας· Νικόβουλος δ' ἐπίφθονός ἐστι, καὶ ταχέως βαδίζει, καὶ μέγα φθέγγεται, καὶ βακτηρίαν φορεῖ· ταῦτα δ' ἐστὶν ἅπαντα, φησίν, πρὸς ἐμοῦ. καὶ ταῦτ' οὐκ αἰσχύνεται λέγων, οὐδὲ τοὺς ἀκούοντας οἶεται μανθάνειν, ὅτι συκοφαντοῦντός ἐστι λογισμὸς οὗτος, οὐκ ἀδικουμένου.

53 ἐγὼ δ' ἄδικεῖν μὲν οὐδένα τῶν δανειζόντων οἶομαι, [982] μισεῖσθαι μέντοι τινὰς εἰκότως ἂν ὑφ' ὑμῶν, οἱ τέχνην τὸ πρᾶγμα πεποιημένοι, μήτε συγγνώμης μήτ' ἄλλου τινός εἰσιν ἄλλ' ἢ τοῦ πλείονος. διὰ γὰρ τὸ καὶ δεδανείσθαι πολλάκις, μὴ μόνον αὐτὸς τούτῳ δανεῖσαι, οὐδ' ἐγὼ τούτους ἀγνοῶ, οὐδὲ φιλῶ, οὐ μέντοι γ' ἀποστερῶ μὰ Δί' οὐδὲ συκοφαντῶ. 54 ὅστις δ' εἴργασται μὲν ὥσπερ ἐγὼ πλέων καὶ κινδυνεύων, εὐπορήσας δὲ μικρῶν ἐδάνεισε ταῦτα, καὶ χαρίσασθαι βουλόμενος καὶ μὴ λαθεῖν διαρρυέν αὐτὸν τὰργύριον, τί τις ἂν τοῦτον εἰς ἐκείνους τιθείη; εἰ μὴ τοῦτο λέγεις, ὡς ὅς ἂν σοὶ δανείσῃ, τοῦτον δημοσίᾳ μισεῖσθαι προσήκει.

<sup>a</sup> Compare Oration XLV. § 77.

release from all charges of this kind. He ought not to be stating these charges now, nor to have inserted them in the challenge in which he demanded the slave for torture, but to have instituted suit against him, and to have prosecuted me as his owner. As it is, he has instituted suit against me, but accuses him. This the laws do not permit. For whoever instituted suit against the master, and charged the facts against his slave—as though the slave had any authority of his own?

When anyone asks him, “What valid charges will 52 you be able to make against Nicobulus?” he says, “The Athenians hate money-lenders; Nicobulus is an odious fellow; he walks fast,<sup>a</sup> he talks loud, and he carries a cane; and (he says) all these things count in my favour.” He is not ashamed to talk in this way, and also fancies that his hearers do not understand that this is the reasoning, not of one who has suffered wrong, but of a malicious pettifogger. I, for my 53 part, do not regard a money-lender as a wrongdoer, although certain of the class may justly be detested by you, seeing that they make a trade of it, and have no thought of pity or of anything else, except gain. Since I have myself often borrowed money, and not merely lent it to the plaintiff, I know these people well; and I do not like them, either; but, by Zeus, I do not defraud them, nor bring malicious charges against them. But if a man has done business as I 54 have, going to sea on perilous journeys, and from his small profits has made these loans, wishing not only to confer favours, but to prevent his money from slipping through his fingers without his knowing it, why should one set him down in that class?—unless you mean this, that anyone who lends money to you ought to be detested by the public.

## DEMOSTHENES

Λέγε δή μοι τὰς μαρτυρίας, τίς ἐγὼ πρὸς τοὺς συμβάλλοντας ἀνθρώπους καὶ πρὸς τοὺς δεομένους εἰμί.

### ΜΑΡΤΥΡΙΑΙ

55 Τοιοῦτος, ὦ Πανταίνετ', ἐγὼ, ὁ ταχὺ βαδίζων, καὶ τοιοῦτος σύ, ὁ ἀτρέμας. ἀλλὰ μὴν περὶ τοῦμοῦ γε βαδίσματος ἢ τῆς διαλέκτου, τάληθῆ πάντ' ἐρῶ πρὸς ὑμᾶς, ὦ ἄνδρες δικασταί, μετὰ παρρησίας. ἐγὼ γὰρ οὐχὶ λέληθ' ἐμαυτὸν οὐδ' ἀγνοῶ, οὐ τῶν εὖ πεφυκότων κατὰ ταῦτ' ὦν ἀνθρώπων, οὐδὲ τῶν λυσιτελούντων ἑαυτοῖς. εἰ γὰρ ἐν οἷς μηδὲν ὠφελούμαι ποιῶν, λυπῶ τινάς, πῶς οὐκ ἀτυχῶ κατὰ  
 56 τοῦτο τὸ μέρος; ἀλλὰ τί χρῆ παθεῖν; ἂν τῷ δεῖνι δανείσω, διὰ ταῦτα δίκην προσοφλεῖν; μηδαμῶς. κακίαν γάρ μοι καὶ πονηρίαν οὐθ' οὗτος προσοῦσαν οὐδεμίαν δείξει, οὐθ' ὑμῶν τοσοῦτων ὄντων οὐδὲ εἰς σύνοιδεν. τᾶλλα δὲ ταῦθ' ἕκαστος ἡμῶν, ὅπως  
 [953] ἔτυχεν, πέφυκεν οἶμαι. καὶ φύσει μάχεσθαι μὲν ἔχοντ' οὐκ εὐπορόν ἐστιν (οὐ γὰρ ἂν ἀλλήλων διεφέρομεν οὐδέν), γνῶναι δ' ἰδόνθ' ἕτερον κάπι-  
 57 πλήξαι ράδιον. ἀλλὰ τί τούτων ἐμοὶ πρὸς σέ, Πανταίνετε; πολλὰ καὶ δεινὰ πέπονθας; οὐκοῦν εἴληφας δίκην. οὐ παρ' ἐμοῦ γε; οὐδὲ γὰρ ἡδικήθης οὐδὲν ὑπ' ἐμοῦ. οὐ γὰρ ἂν ποτ' ἀφήκας, οὐδ', ὅτ' Εὐέργω προηροῦ λαγχάνειν, εἴσασας ἐμέ, οὐδὲ πρατῆρ' ἠξίωσας ὑποστήναι τόν γε δεινὰ σε  
 412

Read me, please, the depositions, to show what manner of man I am to those who lend money, and to those who need my help.

THE DEPOSITIONS

Such am I, Pantaenetus, the fast walker, and such 55  
 are you, who walk slowly. However, regarding my  
 gait and my manner of speech, I will tell you the  
 whole truth, men of the jury, with all frankness. I  
 am perfectly aware—I am not blind to the fact—  
 that I am not one of those favoured by nature in these  
 respects, nor of those who are an advantage to them-  
 selves. For if in matters in which I reap no profit, I  
 annoy others, surely I am to this extent unfortunate.  
 But what is to come of it? If I lend money to so- 56  
 and-so, am I for this reason also to lose my suit?  
 Surely not. The plaintiff cannot point out any  
 baseness or villainy attaching to me, nor does a single  
 one among you, many as you are, know any such  
 thing against me. As to these other qualities, each  
 one of us, I take it, is as nature happened to make  
 him; and to fight against nature, when one has these  
 characteristics, is no easy task (for otherwise we  
 should not differ from one another); though to  
 recognize them in looking on another and to criticize  
 them is easy. But which one of these qualities has any 57  
 bearing on my dispute with you, Pantaenetus? You  
 have suffered many grievous wrongs? Well, you  
 have had satisfaction. Not from me? No; for  
 you were not wronged in any way by me. Other-  
 wise you would never have given me the release, nor,  
 when you were making up your mind to bring suit  
 against Evergus, would you have passed me by; nor  
 would you have demanded that one who had done you  
 many grievous wrongs should undertake to be vendor

## DEMOSTHENES

καὶ πόλλ' εἰργασμένον. εἶτα καὶ πῶς ἂν ὁ μὴ  
 58 παρῶν μῆδ' ἐπιδημῶν ἐγὼ τί σ' ἠδίκησα; εἰ  
 τοῖνυν ὡς οἶόν τε μέγιστ' ἠδικῆσθαι δοίη τις αὐτῷ  
 καὶ ἐρεῖν ἅπαντ' ἀληθῆ περι τούτων νυνί, ἐκεῖνό γ'  
 οἶμαι πάντας ἂν ὑμᾶς ὁμολογήσαι, ὅτι πολλὰ  
 συμβέβηκεν ἠδικῆσθαι τισιν ἤδη μείζω τῶν εἰς  
 χρήματα γιγνομένων ἀδικημάτων· καὶ γὰρ ἀκού-  
 σιοι φόνοι καὶ ὕβρεις εἰς ἅ μὴ δεῖ καὶ πολλὰ  
 τοιαῦτα γίνεσθαι. ἀλλ' ὅμως ἀπάντων τούτων  
 ὄρος καὶ λύσις τοῖς παθοῦσι τέτακται τὸ πεισθέντας  
 59 ἀφεῖναι. καὶ τοῦθ' οὕτω τὸ δίκαιον ἐν πᾶσιν  
 ἰσχύει, ὥστ', ἐὰν ἐλῶν τις ἀκουσίου φόνου καὶ  
 σαφῶς ἐπιδείξας μὴ καθαρὸν, μετὰ ταῦτ' αἰδέσθαι  
 καὶ ἀφῆ, οὐκέτ' ἐκβαλεῖν κύριος τὸν αὐτὸν ἐστίν.  
 οὐδέ γ', ἂν ὁ παθὼν αὐτὸς ἀφῆ τοῦ φόνου, πρὶν  
 τελευτῆσαι, τὸν δράσαντα, οὐδενὶ τῶν λοιπῶν  
 συγγενῶν ἕξεσθ' ἐπεξιέναι, ἀλλ' οὓς ἐκπίπτειν καὶ  
 φεύγειν, ἂν ἀλίσκωνται, καὶ τεθνάναι τάττουσιν οἱ  
 νόμοι, τούτους ἐὰν ἀφεθῶσιν ἅπαξ,<sup>1</sup> ἀπάντων ἐκλύει  
 60 τῶν δεινῶν τοῦτο τὸ ῥῆμα. εἴθ' ὑπὲρ μὲν ψυχῆς  
 καὶ τῶν μεγίστων οὕτως ἰσχύει καὶ μένει τὰφείναι,  
 ὑπὲρ δὲ χρημάτων καὶ ἐλαττόνων ἐγκλημάτων  
 ἄκυρον ἔσται; μηδαμῶς. οὐ γὰρ εἰ μὴ τῶν  
 [984] δικαίων ἐγὼ παρ' ὑμῖν τεύξομαι, τοῦτ' ἐστὶν δει-  
 νότατον, ἀλλ' εἰ πρᾶγμα δίκαιον ὠρισμένον ἐκ  
 παντὸς τοῦ χρόνου νυνὶ καταλύσετε ἐφ' ἡμῶν.<sup>2</sup>

<sup>1</sup> ἀφεθῶσιν ἅπαξ.] ἀφεθῶσιν, ἅπαξ Blass.

<sup>2</sup> ἐφ' ἡμῶν omitted by Blass.

<sup>a</sup> The following passage is repeated almost verbatim in the next oration, §§ 21 and 22.

<sup>b</sup> Homicide, even if accidental, entailed pollution, which required expiation.

of the property. Besides, how could I have wronged you, when I was not present or even in the country? Well then, suppose<sup>a</sup> one should grant that Pantae- 58  
netus has suffered the greatest possible wrongs, and that everything which he will now allege about these matters is true, this, at least, I presume, you would all admit: that it has happened to others ere now to have suffered many wrongs more serious than pecuniary wrongs. For involuntary homicides, outrages on what is sacred, and many other such crimes are committed; yet in all these cases the fact that they have yielded to persuasion and given a release is appointed for the parties wronged as a limit and settlement of the dispute. And this just principle 59  
is so binding among all men, that if anyone having convicted another of involuntary homicide, and clearly shown him to be polluted,<sup>b</sup> subsequently takes pity on him and releases him, he has no longer the right to have the same person driven into exile. Again, if the victim himself before his death releases the murderer from bloodguiltiness, it is not lawful for any of the remaining kinsmen to prosecute; but those whom the laws sentence to banishment and exile and death, upon conviction, if they are once released, are by that word freed from all evil consequences. If, then, when life and all that 60  
is most precious are at stake, a release has this power and validity, shall it be without effect when money is at stake, or claims of lesser importance? Surely not. For the thing most to be feared is, not that I should fail to obtain justice in your court, but that you should now in our day do away with a just practice, established from the beginning of time.





# AGAINST NAUSIMACHUS

VOL. I

2 E

## INTRODUCTION

NAUSIMACHUS and Xenopeithes were sons of a rich merchant and banker, named Nausicrates. At his death they became the wards of Aristaechmus, against whom, on attaining their majority, they brought suit for damages in the amount of eighty talents, charging him with breach of trust in the conduct of the guardianship. The suit was compromised, and upon paying the claimants three talents Aristaechmus received a release in full. Shortly after this he died.

Years afterwards—fourteen years after the release had been given and twenty-two years after the conclusion of the guardianship—Nausimachus and Xenopeithes separately brought suit against each of his four children (making eight actions in all), claiming damages in the sum of four talents, or thirty minae in each suit. The claimant in the present action maintained that Aristaechmus, after the release given him, had collected a debt of one hundred staters due to Nausicrates from an individual in Bosphorus. This amounted to two thousand eight hundred drachmae (see Oration XXXIV. § 23), or, in round numbers with some allowance for interest, about thirty minae.

The defendant for whom this speech was written interposed a special plea in bar of action, based upon the full release given to Aristaechmus, and upon the statute of limitations, which precluded wards,

## AGAINST NAUSIMACHUS

after the lapse of five years, from bringing suit to establish claims growing out of matters connected with guardianship. He makes also the oft-repeated charge that the suit was baseless and malicious.

See further Schaefer, iii.<sup>2</sup> pp. 207 ff., and Blass, iii. pp. 482 ff.

## XXXVIII

### ΠΑΡΑΓΡΑΦΗ ΠΡΟΣ ΝΑΥΣΙΜΑΧΟΝ ΚΑΙ ΞΕΝΟΠΕΙΘΗΝ

Δεδωκότων, ὧ ἄνδρες δικασταί, τῶν νόμων παρα-  
 γράψασθαι, περὶ ὧν ἂν τις ἀφείς καὶ ἀπαλλάξας  
 πάλιν δικάζηται, γεγενημένων ἀμφοτέρων τῷ πατρὶ  
 [985] πρὸς Ναυσίμαχον καὶ Ξενοπείθην τοὺς εἰληχότας  
 ἡμῖν, παρεγραψάμεθ', ὥσπερ ἠκούσατ' ἀρτίως, μὴ  
 2 εἰσαγώγιμον εἶναι τὴν δίκην. δεήσομαι δὲ καὶ  
 δίκαια καὶ μέτρι' ὑμῶν ἀπάντων, πρῶτον μὲν  
 εὐνοϊκῶς ἀκοῦσαί μου λέγοντος, εἴτ', ἐὰν ἀδικεῖ-  
 σθαι δοκῶ καὶ μὴ προσήκοντος ἐγκλήματος φεύγειν  
 δίκην, βοηθῆσαί μοι τὰ δίκαια. ὁ μὲν γὰρ ὑμεῖς  
 ἐπὶ τῇ δίκῃ τίμημ' ἀκηκόατε, τριάκοντ' εἰσὶ μναῖ,  
 ὧν δὲ φεύγομεν χρημάτων, τέτταρα τάλαντα. ὄντες  
 γὰρ δύο τέτταρας εἰλήχασι δίκας ἡμῖν, τῶν αὐτῶν  
 χρημάτων πάσας, τρισχιλίων ἐκάστην, βλάβης· καὶ  
 νυνὶ πρὸς τριάκοντα μνῶν ἐπίγραμμα, ὑπὲρ το-  
 3 σούτων χρημάτων εἰς ἀγῶνα καθέσταμεν. τὴν μὲν

<sup>a</sup> The opening sentences of this speech repeat almost verbatim those of the preceding oration.

<sup>b</sup> From this it is plain that each of the two claimants brought suit against each of the four sons of Aristaechnus.

## XXXVIII

### ONE OF THE SONS OF ARISTAECHEMUS AGAINST NAUSIMACHUS AND XENOPEITHES, A SPECIAL PLEA

INASMUCH as the laws, men of the jury, have granted that a special plea may be entered in cases where a man, after giving a release and discharge,<sup>a</sup> nevertheless brings suit, and as both of these have been given to our father by Nausimachus and Xenopeithes who have commenced suit against us, we have pleaded, as you have just now heard, that their suit is not admissible. I shall make of you all a just<sup>2</sup> and reasonable request: first, that you listen to my words with goodwill, and, secondly, that if you think that I am being wronged and made defendant in a suit which has no valid basis, you render me the succour which is my due. The damages claimed in the action are, as you have heard, thirty minae; but the sum for which we are really being sued is four talents. For there are two of them, and they have entered four suits against us, all for a like amount, each for three thousand drachmae damages;<sup>b</sup> and now on a complaint for thirty minae we are brought to trial for so large a sum. The malicious actions of<sup>3</sup>

This makes eight suits for thirty minae each, so that the total amount is four talents.

## DEMOSTHENES

οὖν συκοφαντίαν τὴν τούτων, καὶ μεθ' ὅσης ἐπιβουλῆς ἐληλύθασιν ἐφ' ἡμᾶς, ἐξ αὐτῶν τῶν πεπραγμένων εἴσεσθε. ἀναγνώσεται δὲ πρῶτον μὲν ὑμῖν τὰς μαρτυρίας, ὡς ἀφείσαν τὸν πατέρ' ἡμῶν ὧν ἐνεκάλεσαν εἰς τὴν ἐπιτροπὴν· κατὰ γὰρ τοῦτο καὶ παρεγραψάμεθα, μὴ εἰσαγωγίμον εἶναι τὴν δίκην.  
 Καί μοι λέγε ταυτασι τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 4 Ὅτι μὲν τοίνυν, ὦ ἄνδρες δικασταί, καὶ δίκας ἔλαχον τῆς ἐπιτροπῆς καὶ ἀφείσαν ταύτας καὶ τὰ συγχωρηθέντα χρήματ' ἔχουσιν, ἀκούετε τῶν μαρτυριῶν. ὅτι δ' οὐκ ἐῷσιν οἱ νόμοι περὶ τῶν οὕτωπραχθέντων αὐθις δικάζεσθαι, νομίζω μὲν ἅπαντας ὑμᾶς εἰδέναι, κἂν μηδὲν εἶπω περὶ αὐτῶν ἐγώ, βούλομαι δ' ὅμως καὶ τὸν νόμον ὑμῖν αὐτὸν ἀναγνῶναι.  
 Λέγε τὸν νόμον.

[986]

### ΝΟΜΟΣ

- 5 Ἀκούετ', ὦ ἄνδρες δικασταί, τοῦ νόμου σαφῶς λέγοντος ἕκασθ', ὧν μὴ εἶναι δίκας· ὧν ἓν ἐστίν, ὁμοίως τοῖς ἄλλοις κύριον, περὶ ὧν ἂν τις ἀφῆ καὶ ἀπαλλάξῃ, μὴ δικάζεσθαι. οὕτω τοίνυν καὶ μετὰ πολλῶν μαρτύρων τῆς ἀφέσεως γεγонуίας, καὶ φανερώς ἀπολύοντος ἡμᾶς τοῦ νόμου, εἰς τοῦτ'  
 6 ἐληλύθασιν ἀναισχυντίας οὗτοι καὶ τόλμης, ὥστε τεττάρων μὲν καὶ δέκ' ἐτῶν γεγενημένων ἀφ' οὗ τὸν πατέρ' ἡμῶν ἀφείσαν, εἴκοσιν δὲ καὶ δυοῖν ἀφ'  
 422

## AGAINST NAUSIMACHUS, 3-6

these men, and the guile with which they have proceeded against us, you will come to know from the facts themselves. But first the clerk shall read to you the depositions which show that they released our father from the charges which they made in the matter of his guardianship; for it is on this ground that we entered our plea that the action is not maintainable.

Please read these depositions.

### THE DEPOSITIONS

That they entered suit, men of the jury, regarding 4 the guardianship; that they dropped those actions; and that they have in their possession the sums of money agreed upon, you hear from the witnesses. That the laws do not allow suit to be entered afresh regarding matters which have been thus settled, I presume you know, even if I say nothing about the matter; nevertheless I want to read you the law itself.

Read the law.

### THE LAW

You hear the law, men of the jury, expressly stat- 5 ing the several cases in which there shall be no actions. One of them (and it is as binding as any of the others) is that suit may not be brought in matters for which anyone has given a release and discharge. Yet, although the release was thus given in the presence of numerous witnesses, and although the law manifestly absolves us, these men have come to such a pitch of shamelessness and audacity, that, when 6 fourteen years have elapsed from the time when they gave my father a release, and twenty-two years after

## DEMOSTHENES

οὐ τυγχάνουσιν γεγραμμένοι,<sup>1</sup> τετελευτηκότος δὲ καὶ τοῦ πατρὸς τοῦ ἡμετέρου, πρὸς ὃν αὐτοῖς ἐγένονθ' αἱ ἀπαλλαγαί, καὶ τῶν ἐπιτρόπων, οἱ μετὰ τὸν κείνου θάνατον τῶν ἡμετέρων ἐγένοντο κύριοι, καὶ τῆς ἑαυτῶν μητρός, ἣτις ἅπαντα ταῦτ' ἤδει, καὶ διαιτητῶν καὶ μαρτύρων καὶ πάντων ὡς εἰπεῖν, τὴν ἡμετέραν ἀπειρίαν καὶ τὴν ἐξ ἀνάγκης ἄγνοιαν τῶν πεπραγμένων ἔρμαιον νομίσαντες ἑαυτῶν, τὰς δίκας ἡμῖν ἔλαχον ταυτασί, καὶ λόγον οὔτε δίκαιον  
 7 οὔτ' ἐπιεικῆ τολμῶσι λέγειν. φασὶ γὰρ οὐκ ἀποδόσθαι τὰ πατρῶ' ὧν ἐκομίζοντο χρημάτων, οὐδ' ἀποστῆναι τῶν ὄντων, ἀλλ' ὅσ' αὐτοῖς κατελείφθη χρέα καὶ σκευή καὶ ὅλως χρήματα, ταῦθ' ἑαυτῶν γίγνεσθαι. ἐγὼ δ' οἶδ' ἀκούων ὅτι τὴν οὐσίαν Ξενοπείθης καὶ Ναυσικράτης ἅπασαν χρέα κατέλιπον, καὶ φανερὰν ἐκέκτηντο μικρὰν τινα εἰσπραχθέντων δὲ τῶν χρεῶν καὶ τινων σκευῶν πραθέντων, ἔτι δ' ἀνδραπόδων, καὶ τὰ χωρία καὶ τὰς συνοικίας ἐπρίανθ' οἱ ἐπίτροποι, ἃ παρέλαβον  
 8 οὔτοι. εἰ μὲν οὖν μηδὲν ἡμφεσβητήθη περὶ τούτων πρότερον, μηδ' ὡς οὐ καλῶς διωκημένων εἰς δίκην  
 [987] ἦλθεν, ἄλλος ἂν ἦν λόγος· ἐπειδὴ δ' ὅλην τὴν ἐπιτροπὴν ἐγκαλέσαντες οὔτοι καὶ δίκας λαχόντες χρήματ' ἐπράξαντο, πάντα ταῦτ' ἀφεῖται τότε.

<sup>1</sup> γεγραμμένοι] ἐγγεγραμμένοι Blass.

<sup>a</sup> This passage offers difficulties. The best established text can be rendered only as above; but the question at once arises: why the long lapse of time between the filing of the suit and the settlement? Again, the use of γεγραμμένοι of a civil suit is surprising, although this difficulty might be met by assuming (with Kennedy) that a public prosecution is meant; but even so the eight-year period remains unexplained.



## AGAINST NAUSIMACHUS, 6-8

they had first indicted him,<sup>a</sup> when my father was now dead, with whom the settlement had been made and also the guardians who after his death had charge of our property, when their own mother, too, was dead, who was well-informed regarding all these matters, and the arbitrators, the witnesses, and almost everybody else, if I may so say, counting our inexperience and necessary ignorance a boon to themselves, they have instituted these suits against us, and have the audacity to make statements which are neither just nor reasonable. They declare that 7 they did not sell their father's estate for the money which they received, nor did they give up the property, but that all that was left them—credits, furniture, and even money—still belongs to them. I, for my part, know by hearsay that Xenopeithes and Nausicrates<sup>b</sup> left their entire property in outstanding debts, and possessed very little tangible property; and that when the debts had been collected and some furniture and slaves had been sold, their guardians purchased the farms and lodging-houses, which our opponents received from them. If there had been 8 no dispute about these matters before, and no suit had been entered charging maladministration of the property, it would have been another story; but since these men brought suit against our father in the matter of his general conduct as guardian and recovered damages, all these matters were at that time

If with *ms. A* we read *ἐγγεγραμμένοι*, and render, "after they had been enrolled as citizens," we still have to ask why they should have waited eight years after attaining their majority before seeking an accounting from their guardians.

<sup>b</sup> The former was the uncle, the latter the father of the plaintiff.

## DEMOSTHENES

οὔτε γὰρ οὔτοι τοῦνόματος δήπου τοῦ τῆς ἐπιτροπῆς τὰς δίκας ἐδίωκον, ἀλλὰ τῶν χρημάτων, οὔτ' ἐκείνοι τοῦνομα τοῦτ' ἐωνοῦνθ' ὧν ἀπέτεισαν χρημάτων, ἀλλὰ τὰγκλήματα.

- 9 "Οτι μὲν οὖν ὧν πρὸ τῶν ἀπαλλαγῶν εἰσέπραξε  
 χρεῶν ὁ πατήρ, ἢ ὅλως ἔλαβεν χρημάτων ἐκ τῆς  
 ἐπιτροπῆς, οὐδενός εἰσι τούτοις καθ' ἡμῶν ἀπ-  
 ηλλαγμένοις, ἐξ αὐτῶν τῶν νόμων καὶ τῆς ἀφέσεως  
 ἰκανῶς πάντας ἠγοῦμαι ὑμᾶς μεμαθηκένας. ὅτι δ'  
 ὕστερον οὐκ ἔνι τὴν κομιδὴν γεγενῆσθαι τούτων  
 τῶν χρημάτων (τοῦτο γὰρ πλάττουσιν οὔτοι καὶ  
 10 παράγουσι), τοῦτο βούλομαι δεῖξαι. τὸν μὲν γὰρ  
 πατέρ' οὐδ' ἂν αἰτιάσαιτο λαβεῖν· τέτταρσι γὰρ ἢ  
 τρισὶ μησὶν ὕστερον ἢ διελύσατο πρὸς τούτους  
 ἐτελεύτησεν. ὡς δ' οὐδὲ Δημάρετον τὸν κατα-  
 λειφθένθ' ἡμῶν ἐπίτροπον λαβεῖν οἶόν τε (καὶ γὰρ  
 τοῦτον ἔγραψαν εἰς τὸ ἔγκλημα), καὶ τοῦτ' ἐπι-  
 11 δεῖξω. μέγιστοι μὲν οὖν ἡμῖν εἰσιν οὔτοι μάρτυρες·  
 οὐδαμοῦ γὰρ φανήσονται δίκην εἰληχότες ζῶντι τῷ  
 Δημαρέτῳ· οὐ μὴν ἀλλὰ καὶ τὸ πρᾶγμ' ἂν τις αὐτὸ  
 σκοπῶν καὶ θεωρῶν ἴδοι, οὐ μόνον οὐχὶ λαβόντα,  
 ἀλλ' οὐδ' ἐνὸν αὐτῷ λαβεῖν. ἦν μὲν γὰρ τὸ χρέως  
 ἐν Βοσπόρῳ, ἀφίκετο δ' οὐδεπώποτ' εἰς τὸν τόπον  
 τοῦτον ὁ Δημάρετος· πῶς οὖν εἰσέπραξεν; ἔπεμψε  
 12 νῆ Δί', εἶποι τις ἂν, τὸν κομιούμενον. σκοπεῖτε δὴ  
 [988] τοῦθ' οὕτωςί. ὤφειλεν Ἑρμῶναξ στατηῆρας ἑκατὸν  
 παρὰ Ναυσικράτους λαβῶν τούτοις. τούτων Ἀρίστ-

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<sup>a</sup> The Athenian stater was a gold coin worth twenty drachmae.

released. For our opponents, I take it, did not bring suit for the mere name "mal-administration in guardianship," but for the money; nor did the guardians buy off this name with the money which they paid, but they bought off the claims.

That, therefore, these men have no right of action 9 against us for the debts which our father collected before the settlement, or, in general, for moneys which he received by virtue of his guardianship, seeing that they have given a release for their claims, I think you have all adequately learned from the laws themselves and from the release. Moreover, that it is impossible that the collection of these funds should have been made subsequently (this is the story they are making up to lead you astray), I wish to 10 prove. As for my father, they cannot charge that he received them; for he died three or four months after the settlement was made with them; and that Demaretus, whom our father left as our guardian, could not have received them either (for they have written his name also in their complaint), this, too, I shall show. These men are themselves our strongest 11 witnesses; for they will be shown never to have brought suit against Demaretus in his lifetime; but, more than that, anyone who examines and studies the case itself will see, not only that he did not receive the money, but that it was impossible that he should have received it. For the debt was in Bosphorus, a place which Demaretus never visited; how, then, could he have collected it? Ah, but, they will say, he sent someone to get the money. But 12 look at the matter in this way. Hermonax owed these men one hundred staters,<sup>a</sup> which he had received from Nausicrates. Aristaechmus was for

## DEMOSTHENES

αιχμος ἐπίτροπος καὶ κηδεμῶν ἐγένεθ' ἐκκαίδεκ' ἔτη. οὐκοῦν ἄ γε τούτων ἀνδρῶν γεγονότων δι' ἑαυτοῦ διέλυε χρήμαθ' ὁ Ἑρμῶναξ, οὐκ ἀπέδωκεν ὅτ' ἦσαν παῖδες· οὐ γὰρ δὲς γε ταῦτα κατετίθει. ἔστιν οὖν οὕτω τις ἀνθρώπων ἄτοπος, ὥσθ' ἂ τοὺς κυρίου διεκρούσατο μὴ καταθεῖναι τοσοῦτον χρόνον, ταῦτα τῷ μὴ κυρίῳ πέμψαντι γράμμαθ' ἐκὼν ἀποδοῦναι; ἐγὼ μὲν οὐκ οἶμαι.

- 13 Ἄλλὰ μὴν ὡς ἀληθῆ λέγω, καὶ ὁ μὲν πατὴρ ἐτελεύτησεν εὐθέως μετὰ τὰς διαλύσεις, τῷ Δημαρέτῳ δ' οὐδεπώποθ' οὗτοι τῶν χρημάτων τούτων δίκην ἔλαχον, οὐδ' ὅλως ἐξέπλευσεν ἐκεῖνος οὐδ' ἀπεδήμησεν ἐκεῖσε, λαβὲ τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 14 Ὅτι μὲν τοίνυν οὕθ' ὁ πατὴρ μετὰ τὴν ἄφεσιν τὰ χρήματ' εἰσέπραξεν, οὕτ' ἂν ἔδωκεν ἐκὼν οὐδεὶς, εἴ τιν' ἔπεμψεν ὁ Δημάρετος, οὕτ' ἀνέπλευσεν αὐτὸς οὐδ' ἀφίκετ' ἐκεῖσε, δῆλον ἐκ τῶν χρόνων καὶ τῶν μαρτυριῶν ὑμῖν γέγονεν. βούλομαι τοίνυν καὶ ὅλως ψευδομένους αὐτοὺς ὅλον τὸ πρᾶγμα ἐπιδείξαι. οὗτοι γὰρ γεγράφασιν εἰς ὃ νῦν ἔγκλημα διώκουσιν, ὀφείλειν ἡμᾶς τὸ ἀργύριον κομισαμένου τοῦ πατρός, καὶ παραδόντος αὐτοῖς τὸ χρέως ἐν τῷ λόγῳ τῆς ἐπιτροπῆς ὀφειλόμενον.

Καί μοι λέγ' αὐτὸ τὸ ἔγκλημα λαβῶν.

### ΕΓΚΛΗΜΑ

- 15 Ἀκούετε γεγραμμένον ἐν τῷ ἐγκλήματι “ παραδόντος ἐμοὶ τοῦ Ἀρισταίχμου τὸ χρέως ἐν τῷ λόγῳ

## AGAINST NAUSIMACHUS, 12-15

sixteen years the guardian and caretaker of these men. Therefore, the money which Hermonax paid in his own person after these men had come of age, he had not paid when they were minors; for he certainly did not pay the same debt twice. Now is there any man so silly as voluntarily to pay money to one not entitled to it, who demanded it by letter, when he had for so long a time evaded payment to the rightful owners? For my part, I think there is not.

However, to prove that I am speaking the truth, 13—that our father died immediately after the settlement, that these men never brought suit against Demaretus for this money, and that he absolutely never went to sea, nor visited Bosphorus, take the depositions.

### THE DEPOSITIONS

Well then, that our father did not collect the money 14 after the release; that no one would voluntarily have paid the money, if Demaretus had sent someone to get it; and that he himself neither put out to sea nor visited Bosphorus, has been made clear to you from the dates and the depositions. I wish, then, to show you that their whole statement too of the case is absolute falsehood. They have written in the complaint which they are now prosecuting, that we owe the money, inasmuch as our father received it in payment, and passed it over to them as a debt due and payable in his account of his guardianship.

Take, and read me, please, the complaint itself.

### THE COMPLAINT

You hear it stated in the complaint, “inasmuch as 15 Aristaechmus passed the debt over to me in his

## DEMOSTHENES

- [989] τῆς ἐπιτροπῆς.' ὅτε τοίνυν ἐλάγχανον τῷ πατρὶ τῆς ἐπιτροπῆς, τάναντί' ἐγράψαντο τούτων· ὡς γὰρ οὐκ ἀποδόντι λόγον τότε' ἐγκαλοῦντες φαίνονται. Λέγ' αὐτὸ τὸ ἔγκλημα, ὃ τότε' ἔλαχον τῷ πατρί.

### ΕΓΚΛΗΜΑ

- 16 Ἐν ποίῳ δὴ λόγῳ νῦν ἐγκαλεῖθ' ὡς παρέδωκεν, ᾧ Ξενοπέιθῃ καὶ Ναυσίμαχε; τότε μὲν γὰρ ὡς οὐκ ἀποδόντι δίκας ἐλαγχάνετε καὶ χρήματ' ἐπράττεσθε. εἰ δ' ἐπ' ἀμφοτέρ' ἔσται συκοφαντεῖν ὑμῖν, καὶ τοτὲ μὲν τοῦ μὴ παραδοῦναι χρήματ' ἐπράξασθε, τοτὲ δ' ὡς παραδόντος διώκετε, οὐδὲν κωλύει καὶ τρίτον τι σκοπεῖν μετὰ ταῦτα, ὅτου πάλιν δικάσεσθε. οἱ νόμοι δ' οὐ ταῦτα λέγουσιν, ἀλλ' ἅπαξ περὶ τῶν αὐτῶν πρὸς τὸν αὐτὸν εἶναι τὰς δίκας.
- 17 Ἴνα τοίνυν εἰδῆτ', ᾧ ἄνδρες δικασταί, ὅτι οὐ μόνον οὐκ ἀδικοῦνται νῦν, ἀλλὰ καὶ παρὰ πάντας ἡμῖν δικάζονται τοὺς νόμους, βούλομαι καὶ τοῦτον ὑμῖν τὸν νόμον εἰπεῖν, ὃς διαρρήδην λέγει, ἔαν πέντ' ἔτη παρέλθῃ καὶ μὴ δικάσωνται, μηκέτ' εἶναι τοῖς ὀρφανοῖς δίκην περὶ τῶν ἐκ τῆς ἐπιτροπῆς ἐγκλημάτων.

Καὶ ὑμῖν ἀναγνώσεται τὸν νόμον.

### ΝΟΜΟΣ

- 18 Ἀκούετ', ᾧ ἄνδρες δικασταί, τοῦ νόμου λέγοντος ἄντικρυς, ἔαν μὴ πέντ' ἐτῶν δικάσωνται, μηκέτ'

## AGAINST NAUSIMACHUS, 15-18

account of his guardianship." But, when they brought suit against my father in the matter of his guardianship, they wrote the very opposite of this ; for they plainly charged him with not rendering an account.

Read, please, the complaint itself, which they then brought against my father.

### THE COMPLAINT

In what account, pray, Xenopeithes and Nausimachus, do you now charge that he passed the debt over to you? For at one time you brought suit and demanded money on the ground that he rendered no account. But if it is to be permitted you to bring your malicious charge on both grounds, and at one time you collected money because he did not hand something over to you, and at another are suing him on the ground that he did hand it over, there is nothing to prevent your looking for some third ground after this, so as to commence proceedings afresh. But that is not what the laws state : they declare that suit may be brought once only against the same person for the same acts.

Now, men of the jury, that you may know that they not only have suffered no wrong in the present case, but that they are bringing suit in defiance of all your laws, I wish to cite to you this statute also, which expressly states that, if five years have elapsed and they have brought no suit, it is no longer permitted to orphans to bring suit regarding claims connected with guardianship.

The clerk will read you this law.

### THE LAW

You hear the law, men of the jury, flatly stating that if they do not bring suit within five years, they

## DEMOSTHENES

εἶναι δίκην. οὐκοῦν ἐλάχομεν, φαίεν ἄν. καὶ διελύσασθέ γε, ὥστ' οὐκ εἰσὶν αὐθις ὑμῖν δίκαι. ἢ δεινόν γ' ἂν εἴη, εἰ τῶν μὲν ἐξ ἀρχῆς ἀδικημάτων οὐ δίδωσιν ἕξω πέντ' ἐτῶν τὰς δίκας τοῖς ὀρφανοῖς ὁ νόμος κατὰ τῶν οὐκ ἀφειμένων ἐπιτρόπων, πρὸς δὲ τοὺς ἐξ ἐκείνων ἡμᾶς, περὶ ὧν αὐτοὺς ἀφήκατε, [990] εἰκοστῶ νῦν ἔτει δίκην τελέσαισθ' ὑμεῖς.

- 19 Ἀκούω τοίνυν αὐτοὺς τὰ μὲν περὶ τῶν πραγμάτων αὐτῶν καὶ τῶν νόμων δίκαια φεύξεσθαι, παρεσκευάσθαι δὲ λέγειν, ὡς πολλὰ χρήματ' αὐτοῖς κατελείφθη καὶ ταῦτ' ἀπεστερήθησαν, καὶ τεκμηρίω χρήσεσθαι τούτου τῷ μεγέθει τῶν δικῶν ἃς ἐξ ἀρχῆς ἔλαχον, καὶ τὴν ὀρφανίαν ὀδυρεῖσθαι, καὶ τὸν τῆς ἐπιτροπῆς λόγον διεξιέναι· καὶ ταῦτ' εἶναι καὶ τοιαῦθ' οἷς πεπιστεύκασι καὶ δι' ὧν ὑμᾶς
- 20 ἐξαπατήσειν οἴονται. ἐγὼ δὲ τὸ μὲν τῶν δικῶν μέγεθος τῶν τότε ληχθεισῶν, μείζον ἠγοῦμαι τεκμήριον ἡμῖν εἶναι ὡς ἐσυκοφαντεῖθ' ὁ πατήρ, ἢ τούτοις ὡς πόλλ' ἀπεστεροῦντο. ὀγδοήκοντα μὲν γὰρ τάλαντ' ἔχων ἐλέγχειν, οὐδὲ εἰς ἂν τρία λαβῶν ἀπηλλάγη· τοσοῦτων δὲ χρημάτων φεύγων ἐπιτροπῆς, οὐδεὶς ἔστιν ὅστις οὐκ ἂν ἔδωκε τρία τάλαντα, τὸν κίνδυνον ὠνούμενος καὶ τὰ φύσει τότε τούτοις πλεονεκτήμαθ' ὑπάρχοντα. καὶ γὰρ ὀρφανοὶ καὶ νέοι καὶ ὁποῖοί τινές εἰσιν ἀγνώτες ἦσαν· ταῦτα δὲ πάντες φασὶν μεγάλων δικαίων ἰσχύειν πλέον παρ' ὑμῖν.



have no longer the right to sue. But we did bring suit, they may say. Yes, and you made a settlement, too ; so you have no right to bring a fresh suit. Else it would be an outrageous thing, if for original wrongdoings the law does not allow suit to be brought by orphans after five years against guardians who have not been released, but now in the twentieth year you are to maintain an action against us, the children of your guardians, for matters concerning which you did give them a release.

But I hear that they are going to shun arguments <sup>19</sup> based upon the facts of the case and upon the laws, and are prepared to assert that a large estate was left them and that they were defrauded of it ; and that they will advance as a proof of this the large sum asked as damages in their original suit, and they will wail over their orphanhood, and will go through the guardianship accounts. These and such-like points are the ones upon which they have fixed their trust, and by which they hope to beguile you. For my own <sup>20</sup> part, I think that the large sum asked as damages in the suits then brought is a stronger proof for us, that our father was the victim of a malicious action, than for them, that they were being defrauded of a large estate. For if he could prove his claims for eighty talents, no man in the world would have accepted three talents in settlement ; whereas anyone, being defendant in a guardianship suit involving such large sums, would have paid three talents to buy off the risk and the advantages with which at that time nature supplied these men. They were orphans and young, and you were ignorant of their real characters ; and everyone says that in your courts these things have more weight than strong arguments.

## DEMOSTHENES

- 21 "Ὅτι τοίνυν οὐδ' ἀνάσχοισθ' ἂν αὐτῶν εἰκότως οὐδὲν περὶ τῆς ἐπιτροπῆς, καὶ τοῦτ' οἶομαι δεῖξιν. εἰ γὰρ ὡς οἶόν τε μέγιστ' ἠδικῆσθαι δοιή τις αὐτοῖς καὶ ἔρειν ἅπαντ' ἀληθῆ περὶ τούτων νυνί, ἐκεῖνό γ' οἶμαι πάντας ἂν ὑμᾶς ὁμολογῆσαι, ὅτι πολλὰ συμβέβηκεν ἠδικῆσθαι τισιν ἤδη μείζω τῶν εἰς χρήματα γιγνομένων ἀδικημάτων· καὶ γὰρ ἀκούσιοι φόνοι καὶ ὕβρεις εἰς ἃ μὴ δεῖ καὶ πολλὰ τοιαῦτα [991] γίνεσθαι. ἀλλ' ὅμως ἀπάντων τούτων ὄρος καὶ λύσις τοῖς παθοῦσι τέτακται τὸ πεισθέντας ἀφεῖναι.
- 22 καὶ τοῦθ' οὕτω τὸ δίκαιον ἐν πᾶσιν ἰσχύει, ὥστ' ἔαν ἐλὼν τις ἀκουσίου φόνου καὶ σοφῶς ἐπιδείξας μὴ καθαρὸν, μετὰ ταῦτ' αἰδέσθεται καὶ ἀφῆ, οὐκέτ' ἐκβαλεῖν κύριος τὸν αὐτὸν ἔστιν. εἶθ' ὑπὲρ μὲν ψυχῆς καὶ τῶν μεγίστων οὕτως ἰσχύει καὶ μένει τὰφεῖναι, ὑπὲρ δὲ χρημάτων καὶ ἐλαττόνων ἐγκλημάτων ἄκυρον ἔσται; μηδαμῶς. οὐ γὰρ εἰ μὴ τῶν δικαίων ἐγὼ παρ' ὑμῖν τεύξομαι, τοῦτ' ἔστιν δεινότατον, ἀλλ' εἰ πρᾶγμα δίκαιον ὠρισμένον ἐκ παντὸς τοῦ χρόνου νυνὶ καταλυθήσεται.<sup>1</sup>
- 23 Οὐκ ἐμίσθωσαν ἡμῶν τὸν οἶκον, ἴσως ἐροῦσιν. οὐ γὰρ ἐβούλεθ' ὁ θεῖος ὑμῶν Ξενοπίθης, ἀλλὰ φήναντος Νικίδου τοὺς δικαστὰς ἔπεισεν ἑᾶσαι διοικεῖν αὐτόν· καὶ ταῦτ' ἴσασι πάντες. πολλὰ διήρπασαν ἡμῶν ἐκεῖνοι. οὐκοῦν ἦν ἐπέισθητέ γε, τούτων δίκην παρ' αὐτῶν ἔχετε, καὶ οὐ δήπουθεν

<sup>1</sup> καταλυθήσεται] καταλύσετε Blass (as in XXXVII. § 60).

<sup>a</sup> The following passage is repeated almost verbatim from the preceding oration, §§ 58 ff.

<sup>b</sup> If a guardian did not fulfil the duties imposed by his position, any citizen might charge him before the archon with breach of trust.

Moreover, I think I can also prove that you might <sup>21</sup> with good reason refuse to hear a word from them in regard to the guardianship. <sup>a</sup> For suppose one should grant that they have suffered the greatest possible wrongs, and that everything which they will now allege about these matters is true, this, at least, I presume you would all admit: that it has happened to others ere now to have suffered many wrongs more serious than pecuniary wrongs. For involuntary homicides, outrages on what is sacred, and many other such crimes are committed; yet in all these cases the fact they have yielded to persuasion and given a release is appointed for the parties wronged as a limit and settlement of the dispute. And this just principle <sup>22</sup> is so binding among all men, that, if one, having convicted another of involuntary homicide, and clearly shown him to be polluted, subsequently takes pity upon him, and releases him, he has no longer the right to have the same person driven into exile. If, then, when life and all that is most precious are at stake, a release has this power and validity, shall it be without effect, when money is at stake, or claims of lesser importance? Surely not. For the thing most to be feared is, not that I should fail to obtain justice in your court, but that a just practice, established from the beginning of time, should now be done away with.

“They did not let our property,” they will perhaps <sup>23</sup> say. No; for your uncle Xenopeithes did not want it let, but, after Nicidas had denounced him for this, <sup>b</sup> induced the jurors to allow him to administer it; and this everybody knows. “They robbed us of huge sums.” Well, for this you have received from them the damages upon which you agreed; and, I take it,

## DEMOSTHENES

24 πάλιν δεῖ λαβεῖν ὑμᾶς παρ' ἐμοῦ. ἵνα δὲ μηδ' οἷσθ' εἶναί τι ταῦτα, ἔστι μὲν οὐκ ἴσον (πῶς γάρ;) πρὸς τοὺς πράξαντας διαλυσαμένους τῶν οὐκ εἰδῶτων κατηγορεῖν, ὅμως δ', ὦ Ξενοπείθη καὶ Ναυσίμαχε, εἰ μεγάλ' ὑμῖν καὶ θαυμάστ' εἶναι τὰ δίκαια ταῦθ' ὑπολαμβάνετε, ἀποδόντες τὰ τρία τάλαντα περαίνετε. ὦν δὲ τοῦ μὴ κατηγορῆσαι τοσαῦτα χρήματ' ἐπράξασθε, πρὶν ἂν ταῦτ' ἀποδῶτε, σιωπᾶν ἔστε δίκαιοι, καὶ μὴ κατηγορεῖν καὶ ἔχειν ἔσχατον γὰρ ἤδη πραγμάτων τοῦτό γε.

25 Τάχα τοίνυν καὶ τριηραρχίας ἐροῦσι, καὶ τὰ ὄνθ' [992] ὡς ἀνηλώκασιν εἰς ὑμᾶς. ἐγὼ δ' ὅτι μὲν ψεύσονται, καὶ πόλλ' ἀπολωλεκότες τῶν ὄντων αὐτοῖς, μικρὰ τῆς πόλεως μετειληφῦας, οὐ δικαίαν οὐδὲ γιγνομένην χάριν ἀξιώσουσιν κομίζεσθαι παρ' ὑμῶν, εἴσω. ἀξιῶ δὲ καὶ αὐτός, ὦ ἄνδρες δικασταί, εἶναι τοῖς λητουργοῦσιν ὑμῖν ἅπασι χάριν τιν' ὑπάρχουσαν παρ' ὑμῶν. τίσιν δὲ μεγίστην; τοῖς ὁ μὲν χρήσιμον τῇ πόλει τοῦ πράγματός ἐστι ποιοῦσιν, ὁ δ' αἰσχροὺς ἅπαντες ἂν εἶναι φήσαιεν καὶ 26 ὄνειδος μὴ κατασκευάζουσιν. οἱ μὲν τοίνυν μετὰ τοῦ λητουργεῖν τὰ σφέτερόν αὐτῶν διεφθαρκότες, τὴν βλασφημίαν ἀντὶ τῆς χρείας τῇ πόλει καταλείπουσιν· οὐδεὶς γὰρ αὐτὸς αὐτοῦ κατηγορήσε πώποτε, ἀλλ' ὡς ἡ πόλις τὰ ὄντ' ἀφήρηται λέγει. οἱ δ' ὅσα μὲν προστάττεθ' ὑμεῖς ποιῶντες προθύμως, τῇ περὶ τᾶλλα δὲ σωφροσύνη τὰ ὄντα σώ-

you are not entitled to recover it again from me. But, 24  
 that you may not think there is anything in all this—  
 it is of course not fair (how could it be ?) after having  
 come to a settlement with the guilty parties, to accuse  
 persons who know nothing about the case—none the  
 less, Xenopeithes and Nausimachus, if you have the  
 idea that your claims are so marvellously valid, pay  
 back three talents, and go on with your suit. After  
 having exacted so large a sum for not pressing your  
 charges, you are bound to keep silent until you  
 have paid this back—not to make the charges and  
 keep the money ; that is the very extreme of unfair  
 dealing.

Now it is likely that they will talk about their 25  
 trierarchies, and say that they have expended their  
 property upon you. That their statements will be  
 false ; that they have squandered much of their  
 property upon themselves, while the state has re-  
 ceived but a small share ; and that they will deem  
 it right to reap from you a gratitude that is not  
 deserved nor due—all this I shall pass over. I myself,  
 men of the jury, deem it right that somewhat of  
 gratitude should be accorded by you to all who bear  
 the public burdens. But to whom should you accord  
 most gratitude ? To those who, while in their actions  
 doing what is of service to the state, do not bring to  
 pass what all would call a shame and a reproach. But 26  
 those who while performing public services have  
 squandered their own property, bring the state into  
 disrepute instead of rendering her service. For no  
 man ever yet blamed himself ; on the contrary, he  
 declares that the state has taken away his property.  
 But those who with ready hearts perform all the  
 duties you lay upon them, and who by the soberness

ζοντες, οὐ μόνον κατὰ τοῦτ' ἐκείνων πλεονεκτοῖεν ἂν εἰκότως, ὅτι καὶ γεγόνασι χρήσιμοι καὶ ἔσονται, ἀλλ' ὅτι καὶ χωρὶς ὀνειδους ταῦτα παρ' αὐτῶν ὑμῖν γίγνεται. ἡμεῖς μὲν τοίνυν εἰς ὑμᾶς τοιοῦτοι φανούμεθ' ὄντες· τούτους δ' ἐάσω, μή με φῶσιν κακῶς αὐτοὺς λέγειν.

- 27 Οὐ τοίνυν θαυμάσαιμ' ἄν, εἰ καὶ δακρύνει καὶ ἔλεινους ἑαυτοὺς πειρῶντο ποιεῖν. ἐγὼ δ' ἀξιῶ πρὸς ταῦθ' ὑπολαμβάνειν ἅπαντας ὑμᾶς, ὅτι τῶν αἰσchrῶν ἐστι, μᾶλλον δ' οὐδὲ δικαίων, τὰ μὲν ὄντα κατεσθίοντας καὶ παροινούντας μετ' Ἀριστοκράτους καὶ Διογνήτου καὶ τοιούτων ἐτέρων αἰσchrῶς καὶ κακῶς ἀνηλωκέσαι, τὰ δ' ἀλλότρι' ὥστε λαβεῖν, δακρύνει νυνὶ καὶ κλάειν. ἐπ' ἐκείνοις
- [993] ἐκλάετ' ἄν, οἷς ἐποιεῖτε, δικαίως. νῦν δ' οὐ δεῖ δακρύνειν, ἀλλ' ὡς οὐκ ἀφήκατε δεικνύναι, ἢ ὡς εἰσὶν ὧν ἀφήκατ' αὔθις ὑμῖν δίκαι, ἢ ὡς εἰκοστῶ λαγχάνειν ἔτει δίκαιόν ἐστι, τοῦ νόμου πέντ' ἔτη τὴν προθεσμίαν δεδωκότος· ταῦτα γὰρ ἐσθ' ὑπὲρ ὧν
- 28 οὔτοι δικάζουσιν. ἐὰν δὲ μὴ δύνωνται ταῦθ', ὡς οὐ δυνήσονται, ἡμεῖς ὑμῶν ἀπάντων, ὧ ἄνδρες δικασταί, δεόμεθα μὴ ἡμᾶς προέσθαι τούτοις, μηδὲ τετάρτην οὐσίαν ἔτι δοῦναι τρεῖς ἐτέρας κακῶς διωκηκόσιν, ἣν παρ' ἐκόντων ἔλαβον τῶν ἐπιτρόπων, ἣν ὑπὲρ τῶν δικῶν εἰσεπράξαντο, ἣν πρῶην ἀφείλοντ' Αἰσίου δίκην ἐλόντες, ἀλλ' ἡμᾶς τὰ ἡμέτερ', ὥσπερ ἐστὶ δίκαιον, ἐὰν ἔχειν· ἃ καὶ ὑμῖν ἐστὶν ἐπ' ὠφελείᾳ μείζονι παρ' ἡμῖν ὄντ' ἢ
- 438

of their lives in other matters preserve their property, rightly have the better of the others in this respect, that they both have been and will be of service, and also because this service accrues to you from them without reproach. We shall be found to be men of this type in our relations to you; as for them, I shall pass them by, that they may not charge that I am speaking evil of them.

I should not be surprised if they try to shed tears <sup>27</sup> and make themselves seem worthy of pity. But I deem that, in view of this, you should all remember that it is the part of shameless men, or rather of men with no sense of right, after having squandered their fortune in gluttony and wine-bibbing along with Aristocrates and Diognetus and others of that stamp in shameful and evil fashion, to weep and wail now in the hope of getting what belongs to others. You would have good cause to weep over your former doings. Yet it is not now a time to weep, but to prove that you did not give a release, or that action may be had afresh for the matters released, or that it is legal to bring an action after the lapse of twenty years, when the law has fixed five years as the limit. These are the questions which these gentlemen are to decide. If they are unable to prove these things, as they <sup>28</sup> will be unable, we beg of you all, men of the jury, not to deliver us up as prey to these men, nor to give yet a fourth fortune to those who have mismanaged three others—that which they received from their guardians without compulsion, that which they exacted by compromising their suits, and that which the other day they took from Aesius by a judgement—but to allow us, as is right, to retain what is our own. It is of greater service to you in our hands than in theirs.

## DEMOSTHENES

παρὰ τούτοις, καὶ δικαιότερον δήπου τὰ ἡμέτερα  
ἡμᾶς ἐστὶν ἔχειν ἢ τούτους.

Οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· οἶμαι γὰρ ὑμᾶς  
οὐδὲν ἀγνοεῖν τῶν εἰρημένων. ἐξέρα τὸ ὕδωρ.

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<sup>a</sup> The speaker closes with a brief paragraph which occurs also at the end of Oration XXXVI.



AGAINST NAUSIMACHUS, 28

And surely it is more just that we should have what is our own than that they should have it.

I do not know what reason there is why I should say more <sup>a</sup> : for I believe that nothing that I have said has escaped you. Pour out the water.



# AGAINST BOEOTUS

I

## INTRODUCTION

IN approaching this oration the reader should bear in mind the fact that in ancient Athens a man had no other name than his given name. This, in connexion with the name of his father and that of his deme, was a clear and definite designation ; but if two individuals, having the same father and the same deme, had also the same given name, infinite confusion was bound to result, as this speech makes abundantly clear.

In the present instance a certain Mantitheus, son of Mantias, of Thoricus, brings suit against his half-brother, Boeotus, to prevent him from calling himself Mantitheus.

Mantias, an Athenian citizen, had legally married a daughter of Polyaratus, and had by her a son to whom he gave the name Mantitheus. This son was formally recognized by the father at the festival held on the tenth day after his birth ; was duly entered in the lists of the clan ; and upon reaching the age of eighteen was regularly inscribed by Mantias on the register of the deme under the name of Mantitheus (see § 29 of this speech). Further, while the father was still living, and at his wish, Mantitheus had in due and legal form married an Athenian girl (Oration XL. § 12). The speaker's right to the name Mantitheus would therefore seem to be clear and indisputable.

## AGAINST BOEOTUS, I

Mantias, however, had at some time (precisely when, is not made wholly clear) formed a connexion with another woman of Athenian birth, named Plangon. To her two sons were born, and, as they grew up, they claimed that Mantias was their father. Mantias himself is represented in this and in the following speech as being unconvinced of the fact, and as unwilling to recognize the youths as his sons. At the last, when a suit was threatened to compel him to recognize them, he took the following course. For political reasons he did not wish the suit to come to trial, so he made an arrangement with Plangon whereby he was to place in the hands of a third party a sum of money for her, and then challenge her to declare under oath that he was the father of her sons. She, on her part, agreed that she would refuse the oath, and after that all matters between them would be at an end. These steps were duly taken, but Plangon, in violation of the agreement, accepted the oath and swore that Mantias was the father of both her sons. After this, no other course being open to him, Mantias acknowledged the boys as his, and had them entered on the lists of the clan, giving the elder the name Boeotus and the younger the name Pamphilus. The plaintiff in this suit declared that he had himself already been entered under the name of Mantitheus, a name borne by his paternal grandfather, whose name was regularly given to the eldest son in a family.

Mantias died before the sons of Plangon were entered on the register of the deme, and Boeotus proceeded to have himself entered under the name of Mantitheus, claiming, it would seem, to be older than his half-brother, and so entitled to bear the

## DEMOSTHENES

grandfather's name. He also alleged that Mantias had given him the name Boeotus as an insult (for the Boeotians were looked down upon by the Athenians), although it was in fact the name of his maternal uncle.

Against this alleged usurpation of the name which was properly his own the plaintiff protests vigorously, emphasizing the confusion which had resulted, and which was bound to result, if he and his half-brother were to have identical names. He had, after his father's death, acknowledged the two sons of Plangon as co-heirs with himself of his father's estate, and had divided the property with them ; but he brings suit to have Boeotus estopped from calling himself Mantitheus.

If we accept the statements of the speaker at their face value (always a rash procedure in the case of one pleading in an Athenian court), Mantitheus would appear to have a clear case. Yet it is all but certain that judgement was given against him. In Oration XL. § 18 (a speech again delivered by this same Mantitheus against the same defendant in a suit to recover his mother's marriage-portion) we are told that, when the arbitrator had given a decision against him, Boeotus allowed the matter to go by default, claiming that the case did not concern him, as his name was Mantitheus, not Boeotus, a course which he would hardly have dared to take, if the court in the present suit had decided that he had no right to the name. Again, in the same passage, the plaintiff declares that, under the circumstances, he was forced to bring suit against the defendant under the name of Mantitheus. Proof that is virtually conclusive is also afforded by the fact that in an inscription which dates from a period subsequent to the trial, the two

## AGAINST BOEOTUS, I

Mantitheuses are mentioned together with Pamphilus, as heirs of Mantias (see Schaefer, iii.<sup>2</sup> p. 220): and Dionysius of Halicarnassus, in his treatment of the orator Deinarchus, cites the second of the two orations as *Πρὸς Μαντίθειον περὶ προικός*, whereas he cites the former as *Πρὸς Βοιωτὸν ὑπὲρ τοῦ ὀνόματος*.

Various views have been held: that Plangon was the legal wife of Mantias (a very dubious conclusion, although it receives some support from the claim made in Oration XL. that she brought Mantias a dowry); or that Mantias married her after the adoption of her sons (but this seems disproved by the language of Oration XL. § 9); and finally, and most probably, that Boeotus was really the elder of the two. In that case, as he had been entered on the register of the deme (however irregularly) under the name of Mantitheus, the court may have held that he was entitled to bear it.

This speech is discussed in Schaefer, iii.<sup>2</sup> pp. 214 ff., and in Blass, iii. pp. 473 ff.

## XXXIX

## ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ

## Α

Οὐδεμιᾶ φιλοπραγμοσύνη μὰ τοὺς θεούς, ὧ ἄν-  
 δρες δικασταί, τὴν δίκην ταύτην ἔλαχον Βοιωτῶ,  
 [995] οὐδ' ἠγνόουν ὅτι πολλοῖς ἄτοπον δόξει τὸ δίκην ἐμὲ  
 λαχάνειν, εἴ τις ἐμοὶ ταῦτ' ὄνομ' οἶεται δεῖν ἔχειν·  
 ἀλλ' ἀναγκαῖον ἦν ἐκ τῶν συμβησομένων, εἰ μὴ  
 2 τοῦτο διορθώσομαι, ἐν ὑμῖν κριθῆναι. εἰ μὲν οὖν  
 ἑτέρου τινὸς οὗτος ἔφη πατρὸς εἶναι καὶ μὴ τοῦμοῦ,  
 περίεργος ἂν εἰκότως ἐδόκουν εἶναι φροντίζων ὃ τι  
 βούλεται καλεῖν αὐτὸς ἑαυτόν. νῦν δὲ λαχὼν δίκην  
 τῷ πατρὶ τῶμῳ καὶ μεθ' ἑαυτοῦ κατασκευάσας  
 ἐργαστήριον συκοφαντῶν, Μησικλέα θ', ὃν ἴσως  
 γινώσκετε πάντες, καὶ Μενεκλέα τὸν τὴν Νίνον  
 ἐλόντ' ἐκείνον, καὶ τοιοῦτους τινάς, ἐδικάζεθ' υἱὸς  
 εἶναι φάσκων ἐκ τῆς Παμφίλου θυγατρὸς καὶ δεινὰ  
 3 πάσχειν καὶ τῆς πατρίδος ἀποστερεῖσθαι. ὁ πατήρ  
 δὲ (πᾶσα γὰρ εἰρήσεται ἢ ἀλήθει', ὧ ἄνδρες δικα-  
 σταί) ἅμα μὲν φοβούμενος εἰς δικαστήριον εἰσιέναι,

<sup>a</sup> This strong phrase occurs also in Oration XL. § 9.

<sup>b</sup> Ninus was a priestess who was put to death, as the scholiast on Demosthenes XIX. § 281 tells us, for supplying love-potions to young men. The case seems to have been a notorious one, and reflected little credit on Meneclēs.



## XXXIX

### MANTITHEUS AGAINST BOEOTUS IN REGARD TO THE NAME

#### I

It was not from any love of litigation I protest by the gods, men of the jury, that I brought this suit against Boeotus, nor was I unaware that it will seem strange to many people that I should bring suit because somebody thought right to have the same name as myself : but it was necessary to have the matter decided in your court, in view of the consequences that must result if I do not get this matter righted. If the defendant declared himself the son of another <sup>2</sup> father and not of my own, I should naturally have seemed meddlesome in caring by what name he chose to call himself : but, as it is, he brought suit against my father, and having got up a gang of blackmailers <sup>a</sup> to support him—Mnesicles, whom you all probably know, and that Meneclēs who secured the conviction of Ninus,<sup>b</sup> and others of the same sort—he went into court, alleging that he was my father's son by the daughter of Pamphilus, and that he was being outrageously treated, and robbed of his civic rights. My <sup>3</sup> father (for the whole truth shall be told you, men of the jury) feared to come into court lest someone, on

## DEMOSTHENES

μή τις οἱ ὑπὸ πολιτευομένου ἐτέρωθί που λε-  
 λυπημένος ἐνταῦθ' ἀπαντήσειεν αὐτῷ, ἅμα δ'  
 ἐξαπατηθεὶς ὑπὸ τῆς τουτουὶ μητρός, ὁμοσάσης  
 αὐτῆς ἢ μὴν, εἰς ὄρκον αὐτῇ διδῶν περὶ τούτων, μὴ  
 ὁμείσθαι, τούτων δὲ πραχθέντων οὐδὲν ἔσεσθαι ἔτ'  
 αὐτοῖς, καὶ μεσεγγυησαμένης ἀργύριον, ἐπὶ τούτοις  
 4 δίδωσι τὸν ὄρκον. ἢ δὲ δεξαμένη, οὐ μόνον τούτον,  
 ἀλλὰ καὶ τὸν ἀδελφὸν τὸν ἕτερον πρὸς τούτω  
 κατωμόσατ' ἐκ τοῦ πατρὸς εἶναι τοῦμοῦ. ὡς δὲ  
 τοῦτ' ἐποίησεν, εἰσάγειν εἰς τοὺς φράτερας ἦν  
 ἀνάγκη τούτους καὶ λόγος οὐδεὶς ὑπελείπετο.  
 εἰσήγαγ', ἐποίησατο, ἵνα τὰμ μέσω συντέμω,  
 ἐγγράφει τοῖς Ἀπατουρίοις τουτονὶ μὲν Βοιωτὸν  
 5 εἰς τοὺς φράτερας, τὸν δ' ἕτερον Πάμφιλον, Μαντί-  
 [996] θεος δ' ἐνεγεγράμμην ἐγώ. συμβάσης δὲ τῷ πατρὶ  
 τῆς τελευτῆς πρὶν τὰς εἰς τοὺς δημότας ἐγγραφὰς  
 γενέσθαι, ἐλθὼν εἰς τοὺς δημότας οὗτος ἀντὶ  
 Βοιωτοῦ Μαντίθειον ἐνέγραψεν ἑαυτόν. τοῦτο δ'  
 ὅσα βλάπτει ποιῶν πρῶτον μὲν ἐμέ, εἶτα καὶ  
 ὑμᾶς, ἐγὼ διδάξω, ἐπειδὰν ὦν λέγω παράσχωμαι  
 μάρτυρας.

### ΜΑΡΤΥΡΕΣ

6 Ὅν μὲν τοίνυν τρόπον ἡμᾶς ἐνέγραψ' ὁ πατήρ,  
 ἀκούετε τῶν μαρτυριῶν· ὅτι δ' οὐκ οἰομένου τούτου

<sup>a</sup> This money was evidently to be paid to her for fulfilling her promise to refuse the oath.

<sup>b</sup> Admission to the clan was necessary, if full family rights were to be secured.

<sup>c</sup> The Apaturia was a family festival occurring in the month Pyanepsion (October-November), and was the time

the ground of having elsewhere received some injury from him in his public life, should confront him here ; and at the same time he was deceived by this man's mother. For she had sworn that if he should tender her an oath in this matter, she would refuse it, and that, when this had been done, all relations between them would be at an end ; and she had also had money deposited in the hands of a third party on her behalf<sup>a</sup> ;—on these conditions, then, my father tendered her the oath. But she accepted it, 4 and swore that not only the defendant, but his brother too, her other son, was my father's child. When she had done this it was necessary to enter them among the clansmen,<sup>b</sup> and there was no excuse left. My father did enter them ; he adopted them as his children : and (to cut short the intervening matters) he enrolled the defendant at the Apaturia<sup>c</sup> as Boeotus on the list of the clansmen, and the other as Pamphilus. But I had already been enrolled as Mantitheus. My father's 5 death happened before the entries were made on the register of the demesmen,<sup>d</sup> but the defendant went and enrolled himself on the register as Mantitheus, instead of Boeotus. How great a wrong he did in this—to me, in the first place, but also to you—I shall show, as soon as I have brought forward witnesses to prove my assertions.

THE WITNESSES

You have heard from the witnesses the manner in 6 which our father enrolled us ; I shall now show to when children were regularly registered in the lists of clan-members.

<sup>a</sup> Enrolment on the register of the deme marked the beginning of a young man's political life. It took place when he reached the age of eighteen.

## DEMOSTHENES

δεῖν ἐμμένειν, δικαίως καὶ ἀναγκαίως ἔλαχον τὴν δίκην, τοῦτ' ἤδη δείξω. ἐγὼ γὰρ οὐχ οὕτω δήπου σκαιὸς εἰμ' ἄνθρωπος οὐδ' ἀλόγιστος, ὥστε τῶν μὲν πατρῶων, ἃ πάντ' ἐμὰ ἐγίγνετο, ἐπειδήπερ ἐποιήσατο τούτους ὁ πατήρ, συγκεχωρηκέναί τὸ τρίτον νείμασθαι μέρος καὶ στέργειν ἐπὶ τούτῳ, περὶ δ' ὀνόματος ζυγομαχεῖν, εἰ μὴ τὸ μὲν ἡμᾶς μεταθέσθαι μεγάλην ἀτιμίαν ἔφερεν καὶ ἀνανδρίαν, τὸ δὲ τοῦτον ἔχειν ταῦτ' ὄνομ' ἡμῖν διὰ πόλλ' ἀδύνατον ἦν.

- 7 Πρῶτον μὲν γάρ, εἰ δεῖ τὰ κοινὰ τῶν ἰδίων εἰπεῖν πρότερον, τίν' ἢ πόλις ἡμῖν ἐπιτάξει τρόπον, ἂν τι δέῃ ποιεῖν; οἴσουσι νῆ Δί' οἱ φυλέται τὸν αὐτὸν τρόπον ὄνπερ καὶ τοὺς ἄλλους. οὐκοῦν Μαντίθειον Μαντίου Θορίκιον οἴσουσιν, ἐὰν χορηγὸν ἢ γυμνασίαρχον ἢ ἐστιάτορ' ἢ ἂν τι τῶν ἄλλων φέρωσιν. τῷ δῆλον οὖν ἔσται πότερον σὲ φέρουσιν ἢ 'μέ;
- 8 σὺ μὲν γὰρ φήσεις ἐμέ, ἐγὼ δὲ σέ. καὶ δὴ καλεῖ μετα τούθ' ὁ ἄρχων ἢ πρὸς ὄντιν' ἂν ἦ. οὐχ ὑπακούομεν, οὐ λητουργοῦμεν. πότερος ταῖς ἐκ τῶν [997] νόμων ἔσται ζημίαις ἔνοχος; τίνα δ' οἱ στρατηγῶν

<sup>a</sup> Literally, "to strive with one under the same yoke." Such metaphors were very common in Greek antiquity, when horses as well as oxen were driven under the yoke.

<sup>b</sup> The appointment of citizens to undertake the various "liturgies" (such as, e.g., the trierarchy) was made from tax-groups chosen by the several tribes.

<sup>c</sup> Thoricus was a deme of the tribe Acamantis.

<sup>d</sup> The choregus had for his duties the equipment and training of a chorus for the dramatic contests at one of the great festivals. For this purpose the tribe chose one of its richest members.

<sup>e</sup> The gymnasiarch was appointed by the tribe to maintain a team to represent it in the torch-races, which formed a feature of certain Athenian festivals.

## AGAINST BOEOTUS, I. 6-8

you that, as the defendant did not choose to abide by this enrolment, it was both just and necessary for me to bring suit. For I am surely not so stupid nor unreasonable a person as to have agreed to take only a third of my father's estate (though the whole of it was coming to me), seeing that my father had adopted these men, and to be content with that, and then to engage in a quarrel with my kin<sup>a</sup> about a name, were it not that for me to change mine would bring great dishonour and a reputation for cowardice, while for my opponent to have the same name as myself was on many accounts impossible.

To begin with (assuming that it is best to mention 7 public matters before private), in what way will the state give its command to us, if any duty is to be performed? The members of the tribe will, of course,<sup>b</sup> nominate us in the same way as they nominate other people. Well then; they will bring forward the name of Mantitheus, son of Mantias, of Thoricus,<sup>c</sup> if they are nominating one for choregus<sup>d</sup> or gymnasiarch<sup>e</sup> or feaster of the tribe<sup>f</sup> or for any other office. By what, then, will it be made clear whether they are nominating you or me? You will say it is I; I shall say it is you.<sup>g</sup> Well, suppose that after this the Archon summons us, or any other magistrate, before whom the case is called. We do not obey the summons; we do not undertake the service. Which of us is liable to the penalties provided by law? And in what manner will the generals enter our names,

<sup>f</sup> This third form of public service entailed the duty of giving the annual dinner (in the Prytaneum (?)) to the members of the tribe.

<sup>g</sup> That is, each of them would seek to shift the burden of the required service, so that the other would have to bear it.

## DEMOSTHENES

τρόπον ἐγγράψουσιν, ἂν εἰς συμμορίαν ἐγγράφωσιν,  
 ἢ ἂν τριήραρχον καθιστῶσιν; ἢ ἂν στρατεία τις  
 ἦ, τῷ δῆλον ἔσται πότερός ἐσθ' ὁ κατειλεγμένος;  
 9 τί δ', ἂν ἄλλη τις ἀρχὴ καθιστῆ λητουργεῖν, οἷον  
 ἀρχων, βασιλεύς, ἀθλοθέται, τί σημεῖον ἔσται πό-  
 τερον καθιστᾶσιν; προσπαραγράψουσι νῆ Δία τὸν  
 ἐκ Πλαγγόνος, ἂν σὲ γράφωσιν, ἂν δ' ἐμέ, τῆς ἐμῆς  
 μητρὸς τοῦνομα. καὶ τίς ἤκουσε πώποτε, ἢ κατὰ  
 ποῖον νόμον προσπαραγράφουτ' ἂν τοῦτο τὸ γράμμα  
 ἢ ἄλλο τι πλὴν ὁ πατήρ καὶ ὁ δῆμος; ὧν ὄντων  
 10 ἀμφοῖν τῶν αὐτῶν πολλὴ ταραχὴ συμβαίνει. φέρ',  
 εἰ δὲ κριτῆς καλοῖτο Μαντίθεος Μαντίου Θορίκιος,  
 τί ἂν ποιοῖμεν; ἢ βαδίζοιμεν ἂν ἄμφω; τῷ γὰρ  
 ἔσται δῆλον πότερον σὲ κέκληκεν ἢ ἐμέ; πρὸς  
 Διός, ἂν δ' ἀρχὴν ἦντινοῦν ἢ πόλις κληροῖ, οἷον  
 βουλῆς, θεσμοθέτου, τῶν ἄλλων, τῷ δῆλος ἡμῶν ὁ  
 λαχὼν ἔσται; πλὴν εἰ σημεῖον, ὥσπερ ἂν ἄλλω  
 τινί, τῷ χαλκίῳ προσέσται· καὶ οὐδὲ τοῦθ' ὀπο-  
 τέρου ἐστὶν οἱ πολλοὶ γινώσκονται. οὐκοῦν ὁ μὲν  
 αὐτόν, ἐγὼ δ' ἐμαυτόν φήσω τὸν εἰληχότ' εἶναι.  
 11 λοιπὸν εἰς τὸ δικαστήριον ἡμᾶς εἰσιέναι. οὐκοῦν  
 ἐφ' ἐκάστῳ τούτων δικαστήριον ἡμῖν ἢ πόλις  
 καθιεῖ, καὶ τοῦ μὲν κοινοῦ καὶ ἴσου, τοῦ τὸν λαχόντ'  
 ἀρχεῖν, ἀποστερησόμεθα, ἀλλήλους δὲ πλυνοῦμεν,

<sup>a</sup> The word *κριτής* does not signify a judge in a court of law, but apparently a judge in some festival contest.

<sup>b</sup> In Athens the members of the senate (*βουλή*) of five hundred—fifty from each of the ten tribes—were chosen by lot.

<sup>c</sup> The six minor archons bore this name; see note *a* on p. 202.

<sup>d</sup> Every candidate had an identification tablet inscribed with his full name (that is, his given name, the name of his

if they are listing names for a tax-company? or if they are appointing a trierarch? Or, if there be a military expedition, how will it be made clear which of us is on the muster-roll? Or again, if any other 9 magistrate, the Archon, the King-Archon, the Stewards of the Games, makes an appointment for some public service, what sign will there be to indicate which one of us they are appointing? Are they in heaven's name to add the designation "son of Plangon," if they are entering your name, or add the name of my mother if they are entering mine? But who ever heard of such a thing? or by what law could this special designation be appended, or anything else, except the name of the father and the deme? And seeing that both of these are the same great confusion must result. Again, suppose Mantitheus, son 10 of Mantias, of Thoricus should be summoned as judge,<sup>a</sup> what should we do? Should we go, both of us? For how is it to be clear whether he has summoned you or me? Or, by Zeus, suppose the state is appointing to any office by lot, for example that of Senator,<sup>b</sup> that of Thesmothet,<sup>c</sup> or any of the rest; how will it be clear which one of us has been appointed?—unless some mark shall be attached to the tablet,<sup>d</sup> as there might be to anything else; and even then people will not know to which of us two it belongs. Well then, he will say that he has been appointed, and I shall say that I have. The only 11 course left is for us to go into court. So the city will order a court to be set up for each of the cases; and we shall be cheated of the fair and equal right, that the one chosen by lot shall hold office. Then we shall father, and the name of his deme), and this was placed in the urn for drawing.

## DEMOSTHENES

- καὶ ὁ τῷ λόγῳ κρατήσας ἄρξει. καὶ πότερ' ἂν βελτίους εἶημεν τῶν ὑπαρχουσῶν δυσκολιῶν ἀπαλαττόμενοι, ἢ καινὰς ἔχθρας καὶ βλασφημίας ποιούμενοι; ἃς πᾶσ' ἀνάγκη συμβαίνειν, ὅταν ἀρχῆς ἢ
- 12 τινος ἄλλου πρὸς ἡμᾶς αὐτοὺς ἀμφισβητῶμεν. τί [998] δ', ἂν ἄρα (δεῖ γὰρ ἅπαντα ἡμᾶς ἐξετάσαι) ἄτερος ἡμῶν πείσας τὸν ἕτερον, ἂν λάχῃ, παραδοῦναι αὐτῷ τὴν ἀρχήν, οὕτω κληρῶται, τὸ δυοῖν πινακίον τὸν ἕνα κληροῦσθαι τί ἄλλ' ἐστίν; εἴτ' ἐφ' ᾧ θάνατον ζημίαν ὁ νόμος λέγει, τοῦθ' ἡμῖν ἀδεῶς ἐξέσται πράττειν; πάνυ γε· οὐ γὰρ ἂν αὐτὸ ποιήσαιμεν. οἶδα καὶ γὰρ, τὸ γοῦν κατ' ἐμέ· ἀλλ' οὐδ' αἰτίαν τοιαύτης ζημίας ἐνίους ἔχειν καλόν, ἐξὸν μή.
- 13 Εἶεν. ἀλλὰ ταῦτα μὲν ἡ πόλις βλάπτεται· ἐγὼ δ' ἰδίᾳ τί; θεάσασθ' ἡλίκα, καὶ σκοπεῖτ' ἂν τι δοκῶ λέγειν· πολὺ γὰρ χαλεπώτερα ταῦθ' ὦν ἀκηκόατ' ἐστίν. ὁρᾶτε μὲν γὰρ ἅπαντες αὐτὸν χρώμενον, ἕως μὲν ἔζη, Μενεκλεῖ καὶ τοῖς περὶ κείνον ἀνθρώποις, νῦν δ' ἐτέροις ἐκείνου βελτίοσιν οὐδέν, καὶ τὰ τοιαῦτ' ἐζηλωκότα καὶ δεινὸν δοκεῖν εἶναι
- 14 βουλόμενον· καὶ νῆ Δί' ἴσως ἔστιν. ἂν οὖν προῖόντος τοῦ χρόνου τῶν αὐτῶν τι ποιεῖν τούτοις ἐπιχειρῆ (ἔστι δὲ ταῦτα γραφαί, φάσεις, ἐνδείξεις, ἀπαγωγαί), εἴτ' ἐπὶ τούτων τινὶ (πολλὰ γὰρ τάν-

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<sup>a</sup> Possibly, "an eloquent speaker."



berate each other, and he who shall prevail by his words will hold office. And in which case should we be better off—by trying to rid ourselves of our existing resentments, or by arousing fresh animosities and recriminations? For these must of necessity result, when we wrangle with one another about an office or anything else. But suppose again (for we must 12 examine every phase of the matter), one or the other of us persuades the other, in case he is chosen, to yield the office to him, and so obtains the appointment? What is this but one man drawing lots with two tablets? Shall it, then, be permitted us to do with impunity a thing for which the law appoints the penalty of death? “Why, certainly, for we should not do it,” you may say. I know that, at least so far as I am concerned; but it is not right that some persons should even be liable to this penalty, when they need not be.

Very well; but in these cases it is the state that is 13 injured: what harm does it do me individually? Observe in what serious ways I am harmed, and consider if there be anything in what I say. Indeed the wrong done to me is far more grievous than what you have heard. You all know, for instance, that he was intimate with Meneclēs during his lifetime, and with his crowd, and that he now associates with others no better than Meneclēs, and that he has cherished the same ambitions, and desires to be thought a clever fellow <sup>a</sup>; and, by Zeus, I dare say he is. Now, if, as time goes on, he undertakes to 14 set on foot any of the same practices as these men (these are indictments, presentments for contraband, informations, arrests) and on the basis of one of these he is condemned to pay a fine to the state (for there

## DEMOSTHENES

θρώπινα, καὶ τοὺς πάνυ δεινοὺς ἐκάστοθ', ὅταν  
 πλεονάζωσ', ἐπίστασθ' ὑμεῖς κοσμίους ποιεῖν) ὄφλη  
 τῷ δημοσίῳ, τί μᾶλλον οὗτος ἐγγεγραμμένος ἔσται  
 ἐμοῦ; ὅτι νῆ Δί' εἴσονται πάντες πότερός ποτ'  
 15 ὄφλην. καλῶς. ἂν δ', ὃ τυχὸν γένοιτ' ἂν, χρόνος  
 διέλθῃ καὶ μὴ ἐκτεισθῆ τὸ ὄφλημα, τί μᾶλλον οἱ  
 τούτου παῖδες ἔσονται τῶν ἐμῶν ἐγγεγραμμένοι,  
 ὅταν τοῦνομα χῶ πατῆρ καὶ ἡ φυλὴ καὶ πάντ' ἡ  
 ταυτά; τί δ', εἴ τις δίκην ἐξούλης αὐτῷ λαχῶν,  
 [999] μηδὲν ἐμοὶ φαίη πρὸς αὐτὸν εἶναι, κυρίαν δὲ ποιη-  
 σάμενος ἐγγράψαι, τί μᾶλλον ἂν εἴη τοῦτον ἢ ἐμ'  
 16 ἐγγεγραφῶς; τί δ', εἴ τινος εἰσφοράς μὴ θείῃ; τί  
 δ', εἴ τις ἄλλη περὶ τοῦνομα γίγνοιτ' ἢ λῆξις δίκης  
 ἢ δόξ' ὅλως ἀηδής; τίς εἴσεται τῶν πολλῶν  
 πότερός ποθ' οὗτός ἐστι, δυοῖν Μαντιθείῳ ταυτοῦ  
 πατρὸς ὄντοι; φέρ', εἰ δὲ δίκην ἀστρατείας  
 φεύγοι, χορεύοι δ' ὅταν στρατεύεσθαι δέῃ; καὶ γὰρ  
 νῦν, ὅτ' εἰς Ταμύνας παρῆλθον οἱ ἄλλοι, ἐνθάδε  
 τοὺς χοᾶς ἄγων ἀπελείφθη καὶ τοῖς Διονυσίοις  
 καταμείνας ἐχόρευεν, ὡς ἅπαντες ἐωρᾶθ' οἱ ἐπι-  
 17 δημοῦντες. ἀπελθόντων δ' ἐξ Εὐβοίας τῶν στρα-  
 τιωτῶν, λιποταξίου προσεκλήθη, καὶ γὰρ ταξιαρχῶν  
 τῆς φυλῆς, ἠναγκαζόμενῃ κατὰ τοῦνόματος τοῦ  
 ἐμαυτοῦ πατρόθεν δέχεσθαι τὴν λῆξιν· καὶ εἰ

<sup>a</sup> A town in Euboea.

<sup>b</sup> This name was given to the second day of the festival Anthesteria, held in February-March.

<sup>c</sup> Service in the chorus at the Dionysiac festival would entitle the individual to exemption from military service for the time being—an easy way out for the “slacker.”

<sup>d</sup> The taxiarchs were military officers, each in command of his tribe's contingent of hoplites.

are many vicissitudes in mortal affairs, and you know well how to keep in due bounds even the most clever people on any occasion when they overreach themselves), why will his name be entered on the record any more than mine? "Because," it may be said, "everybody will know which of us two was fined." Very good; but suppose (what might very well happen) that time passes and the debt is not paid; why is there any greater likelihood that the defendant's children will be entered on the list of state debtors any more than my own, when the name of the father and the tribe, and all else are identical? Suppose, now, somebody should bring a suit for ejection against him, and should state that he had nothing to do with me, but, having had the writ registered, should enter the name, why will the name he has entered be that of my opponent any more than my own? What if he fails to pay any of the property-taxes? What if the name be involved in the filing of any other suit, or, in general, in any unpleasant scandal? Who, among people at large, will know which of the two it is, when there are two Manti-theuses having the same father? Suppose, again, that he should be prosecuted for evasion of military service, and should be serving as chorister when he ought to be abroad with the army—as, a while ago, when the rest went over to Tamynae,<sup>a</sup> he was left behind here keeping the feast of Pitchers,<sup>b</sup> and remained here and served in the chorus at the Dionysia,<sup>c</sup> as all of you who were at home saw; then, after the soldiers had come back from Euboea, he was summoned on a charge of desertion, and I, as taxiarch of our tribe,<sup>d</sup> was compelled to receive the summons, since it was against my name, that of my father being

## DEMOSTHENES

- μισθὸς ἐπορίσθη τοῖς δικαστηρίοις, εἰσῆγον ἂν δῆλον ὅτι. ταῦτα δ' εἰ μὴ σεσημασμένων ἤδη συνέβη τῶν ἐχίνων, κὰν μάρτυρας ὑμῖν παρεσχόμεν.
- 18 εἶεν. εἰ δὲ ξενίας προσκληθείη; πολλοῖς δὲ προσκρούει, καὶ ὃν ἠναγκάσθη τρόπον ποιήσασθαι ὁ πατήρ αὐτόν, οὐ λέληθεν. ὑμεῖς δ', ὅτε μὲν τοῦτον οὐκ ἐποιεῖθ' ὁ πατήρ, τὴν μητέρ' ἀληθῆ λέγειν ἠγείσθ' αὐτοῦ. ἐπειδὰν δ' οὕτω γεγωνὸς οὗτος ὀχληρὸς ἦ, πάλιν ὑμῖν ποτὲ δόξει κείνος ἀληθῆ λέγειν. τί δ', εἰ ψευδομαρτυριῶν ἀλώσεσθαι προσδοκῶν ἐφ' οἷς ἐραρίζει τούτοις τοῖς περὶ αὐτόν, ἐρήμην ἐάσειε τελεσθῆναι τὴν δίκην; ἀρά γε μικρὰν ἠγείσθε βλάβην, ὦ ἄνδρες Ἀθηναῖοι, ἐν κοινωνίᾳ τὸν ἅπαντα βίον τῆς τούτου δόξης καὶ τῶν ἔργων εἶναι;
- 19 "Ὅτι τοίνυν οὐδ' ἂ διεξελέλυθ' ὑμῖν μάτην φο-  
 [1000] βούμαι, θεωρήσατε. οὗτος γὰρ ἤδη καὶ γραφὰς τινὰς, ὦ ἄνδρες Ἀθηναῖοι, πέφευγεν, ἐφ' αἷς οὐδὲν αἴτιος ὢν ἐγὼ συνδιαβάλλομαι, καὶ τῆς ἀρχῆς ἠμφεσβήτει, ἣν ὑμεῖς ἔμ' ἐχειροτονήσατε, καὶ πολλὰ καὶ δυσχερῆ διὰ τοῦνομα συμβέβηκεν ἡμῖν, ὦν, ἔν' εἰδῆθ', ἐκάστων μάρτυρας ὑμῖν παρέξομαι.

### ΜΑΡΤΥΡΕΣ

- 20 'Ὁρᾶτ', ὦ ἄνδρες Ἀθηναῖοι, τὰ συμβαίνοντα, καὶ τὴν ἀηδίαν τὴν ἐκ τοῦ πράγματος. εἰ τοίνυν μηδὲν

<sup>a</sup> Evidently shortage of funds might prevent the courts from sitting; and the Euboean campaign had depleted the treasury.

<sup>b</sup> The ἐχίνοι were receptacles in which documents, etc., pertaining to the case were put under seal, to be opened only when the case was called. See note *a* on Oration XXXIV. p. 268.

added ; and if pay had been available for the juries,<sup>a</sup> I should certainly have had to bring the case into court. If this had not occurred after the boxes<sup>b</sup> had already been sealed, I should have brought you witnesses to prove it. Well then ; suppose he were 18 summoned on the charge of being an alien. And he does make himself obnoxious to many, and the way in which my father was compelled to adopt him is no secret. You, on your part, while my father was refusing to acknowledge him, believed that his mother was telling the truth : but when, with his parentage thus established, he makes himself odious, you will some day on the contrary conclude that my father's story was true. Again, what if my opponent, in the expectation of being convicted of perjury for the services<sup>c</sup> which he freely grants his associates, should allow the suit to go by default ? Do you think it would be a slight injury that I should be my whole life long a sharer of his reputation and his doings ?

Pray observe that my fear regarding the things I 19 have set forth to you is not a vain one. He has already, men of Athens, been defendant in certain suits, in which, although I have been wholly innocent, odium has attached to my name as well as his ; and he has laid claim to the office to which you had elected me ; and many unpleasant things have happened to me because of the name ; regarding each one of which I will produce witnesses to inform you fully.

#### THE WITNESSES

You see, men of Athens, what keeps happening 20 and the annoyance resulting from the matter. But

<sup>c</sup> The " service " at which the speaker hints is presumably the bearing of false testimony.

## DEMOSTHENES

ἀηδὲς ἦν ἐκ τούτων, μηδ' ὄλως ἀδύνατον ταῦτον ἔχειν ὄνομα ἡμῖν συνέβαινε, οὐ δὴπου τοῦτον μὲν δίκαιον τὸ μέρος τῶν ἐμῶν χρημάτων ἔχειν κατὰ τὴν ποίησιν, ἦν ὁ πατήρ αὐτὸν ἀναγκασθεὶς ἐποίησατο, ἐμὲ δ' ἀφαιρεθῆναι τοῦνομα, ὃ βουλόμενος καὶ οὐδ' ὑφ' ἐνὸς βιασθεὶς ἔθετο. οὐκ ἔγωγ' ἠγοῦμαι.

Ἴνα τοίνυν εἰδῆτε, ὅτι οὐ μόνον εἰς τοὺς φράτερας οὕτως, ὡς μεμαρτύρηται, ὁ πατήρ τὴν ἐγγραφὴν ἐποίησατο, ἀλλὰ καὶ τὴν δεκάτην ἐμοὶ ποιῶν τοῦνομα τοῦτ' ἔθετο, λαβέ μοι καὶ ταύτην τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 21 Ἀκούετ', ἄνδρες Ἀθηναῖοι, ὅτι ἐγὼ μὲν εἰμ' ἐπὶ τοῦνόματος τούτου πάντα τὸν χρόνον, τοῦτον δὲ Βοιωτὸν εἰς τοὺς φράτερας, ἠνίκ' ἠναγκάσθη, ἐνέγραψ' ὁ πατήρ. ἠδέως τοίνυν ἐροίμην ἂν αὐτὸν ἐναντίον ὑμῶν· εἰ μὴ ἐτελεύτησ' ὁ πατήρ, τί ἂν ποτ' ἐποίεις πρὸς τοῖς δημόταις; οὐκ ἂν εἶας σαυτὸν ἐγγράφειν Βοιωτόν; ἀλλ' ἄτοπον δίκην μὲν λαγχάνειν τούτου, κωλύειν δὲ πάλιν. καὶ μὴν εἴ γ' εἶας αὐτόν, ἐνέγραψεν ἂν σ' εἰς τοὺς δημότας,
- [1001] ὅπερ εἰς τοὺς φράτερας. οὐκοῦν δεινόν, ὧ γῆ καὶ θεοί, φάσκειν μὲν ἐκείνον ἑαυτοῦ πατέρ' εἶναι, τολμᾶν δ' ἄκυρα ποιεῖν ἃ κείνος ἔπραξε ζῶν.
- 22 Ἐτόλμα τοίνυν πρὸς τῷ δαιτητῇ πρᾶγμα ἀναιδέ-

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<sup>a</sup> The child was formally named at a ceremony held on the tenth day after birth, and attended by members of the family and close friends.

even if there were no annoying results, and if it were not absolutely impossible for us both to have the same name, it surely is not fair for him to have his share of my property by virtue of the adoption which my father made under compulsion, and for me to be robbed of the name which that father gave me of his own free will and under constraint from no one. I, certainly, think it is not.

Now, to show you that my father not only made the entry in the list of the clansmen in the manner which has been testified to you, but that he gave me this name when he kept the tenth day after my birth,<sup>a</sup> please take this deposition.

#### THE DEPOSITION

You hear then, men of Athens, that I have always <sup>21</sup> been in possession of the name Mantitheus; but that my father, when he was compelled to enter him, entered the defendant in the list of clansmen as Boeotus. I should be glad, then, to ask him in your presence, "If my father had not died, what would you have done in the presence of your demesman? Would you not have allowed yourself to be registered as Boeotus?" But it would have been absurd to bring suit to force this and then afterwards to seek to prevent it. And yet, if you had allowed him, my father would have enrolled you in the register of demesmen by the same name as he did in that of the clansmen. Then, O Earth and the Gods, it is monstrous for him to claim that Mantias is his father, and yet to have the audacity to try to make of none effect what Mantias did in his lifetime.

He had the effrontery, moreover, to make before <sup>22</sup> the arbitrator the most audacious assertions, that

## DEMOSTHENES

στατον λέγειν, ὡς ὁ πατήρ αὐτοῦ δεκάτην ἐποίησεν ὡσπερ ἐμοῦ καὶ τοῦνομα τοῦτ' ἔθετ' αὐτῷ, καὶ μάρτυράς τινας παρείχετο, οἷς ἐκεῖνος οὐδεπώποτ' ὠφθη χρώμενος. ἐγὼ δ' οὐδέν' ὑμῶν ἀγνοεῖν οἶομαι, ὅτι οὔτ' ἂν ἐποίησεν δεκάτην οὐδεὶς παιδίου μὴ νομίζων αὐτοῦ δικαίως εἶναι, οὔτε ποιήσας καὶ στέρξας, ὡς ἂν υἱόν τις στέρξαι, πάλιν ἕξαρνος 23 ἐτόλμησε γενέσθαι. οὐδὲ γὰρ εἴ τι τῇ μητρὶ πρὸς ὀργὴν ἤλθε τῇ τούτων, τούτους ἂν ἐμίσει, νομίζων αὐτοῦ εἶναι· πολὺ γὰρ μᾶλλον εἰώθασιν, ὧν ἂν ἑαυτοῖς διενεχθῶσιν ἀνὴρ καὶ γυνή, διὰ τοὺς παῖδας καταλλάττεσθαι ἢ δι' ἂν ἀδικηθῶσιν ὑφ' αὐτῶν, τοὺς κοινούς παῖδας πρὸς μισεῖν. οὐ τοίνυν ἐκ τούτων ἔστ' ἰδεῖν μόνον, ὅτι ψεύσεται, ταῦτ' ἐὰν λέγη, ἀλλὰ πρὶν ἡμέτερος φάσκειν συγγενῆς εἶναι, εἰς Ἴπποθωντίδ' ἐφοῖτα φυλὴν εἰς παῖδας χορευῶν.

24 καίτοι τίς ἂν ὑμῶν οἶεται τὴν μητέρα πέμψαι τοῦτον εἰς ταύτην τὴν φυλὴν, δεινὰ μὲν, ὡς φησ', ὑπὸ τοῦ πατρὸς πεπονθυῖαν, δεκάτην δ' εἰδυῖαν πεποιηκότ' ἐκεῖνον καὶ πάλιν ἕξαρνον ὄντα; ἐγὼ μὲν οὐδέν' ἂν οἶμαι. εἰς γὰρ τὴν Ἀκαμαντίδ' ὁμοίως ἐξῆν σοι φοιτᾶν, καὶ ἐφαίνεται ἂν οὖσ' ἀκόλουθος ἢ φυλὴ τῇ θέσει τούνοματος.

Ὡς τοίνυν ταῦτ' ἀληθῆ λέγω, τούτων μάρτυρας ὑμῖν τοὺς συμφοιτῶντας καὶ τοὺς εἰδότας παρέξομαι.

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<sup>a</sup> This passage is repeated with slight changes in the following oration § 29.

<sup>b</sup> That is, to the tribe to which his mother belonged, not to that of Mantias, which was the Acamantis. The speaker would have this indicate that the mother was conscious that the boy was not the son of Mantias.



my father kept the tenth day after birth for him, just as for me, and gave him the name Mantitheus ; and he brought forward as witnesses persons with whom my father was never known to be intimate. But I think that not one of you is unaware that no man would have kept the tenth day for a child which he did not believe was rightly his own ; nor, if he had kept the day and shown the affection one would feel for a son, would afterward have dared to deny him. For even if he might have got into some quarrel <sup>23</sup> with the mother of these children, he would not have hated them, if he believed them to be his own. <sup>a</sup>For man and wife are much more apt, in cases where they are at variance with one another, to become reconciled for the sake of their children, than, on the ground of the injuries which they have done one to the other, to hate their common children also. However, it is not from these facts alone that you may see that he will be lying, if he makes these statements ; but, before he claimed to be a kinsman of ours, he used to go to the tribe Hippothontis to dance in the chorus of boys.<sup>b</sup> And yet, who among you imagines <sup>24</sup> that his mother would have sent him to this tribe, if, as she alleges, she had been cruelly treated by my father, and knew that he had kept the tenth day, and afterward denied it ? Not one, I am sure. For it would have been just as much your right to go to school to the tribe Acamantis, and then the tribe would have been in manifest agreement with the giving of the name.

To prove that I am speaking the truth in this, I shall bring before you as witnesses those who went to school with him, and know the facts.

# DEMOSTHENES

[1002]

ΜΑΡΤΥΡΕΣ

- 25 Οὕτω τοίνυν φανερώς παρὰ τὸν τῆς αὐτοῦ μητρὸς ὄρκον καὶ τὴν τοῦ δόντος ἐκείνη τὸν ὄρκον εὐήθειαν, πατρὸς τετυχηκῶς καὶ ἀνθ' Ἰπποθωντίδος ἐν Ἀκαμαντίδι φυλῇ γεγονώς, οὐκ ἀγαπᾶ Βοιωτὸς οὕτως, ἀλλὰ καὶ δίκας ἐμοὶ δὴ ἢ τρεῖς εἴληχεν ἀργυρίου πρὸς αἷς καὶ πρότερόν μ' ἐσυκοφάντει. καίτοι πάντας οἶμαι τοῦθ' ὑμᾶς εἰδέναι, τίς ἦν
- 26 χρηματιστῆς ὁ πατήρ. ἐγὼ δ' ἐάσω ταῦτα. ἀλλ' εἰ δίκαι' ὁμώμοκεν ἢ μήτηρ ἢ τούτων, ἐπ' αὐτοφώρῳ συκοφάντην ἐπιδεικνύει τοῦτον ταῖς δίκαις ταύταις. εἰ γὰρ οὕτω δαπανηρὸς ἦν, ὥστε γάμῳ γεγαμηκῶς τὴν ἐμὴν μητέρα, ἐτέραν εἶχε γυναῖκα, ἧς ὑμεῖς ἐστέ, καὶ δὴ οἰκίας ᾧκει, πῶς ἂν ἀργύριον τοιοῦτος ὢν κατέλιπεν;
- 27 Οὐκ ἀγνοῶ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, ὅτι Βοιωτὸς οὕτως δίκαιον μὲν οὐδὲν ἔξει λέγειν, ἤξει δ' ἐπὶ ταῦθ' ἅπερ αἰεὶ λέγει, ὡς ἐπηρέαζ' ὁ πατήρ αὐτῷ πειθόμενος ὑπ' ἐμοῦ, ἀξιοῖ δ' αὐτὸς ὡς δὴ πρεσβύτερος ὢν τοῦνομ' ἔχειν τὸ τοῦ πρὸς πατρὸς πάππου. πρὸς δὴ ταῦτ' ἀκούσαι βέλτιον ὑμᾶς βραχέα. ἐγὼ γὰρ οἶδα τούτον, ὅτ' οὐπω συγγενῆς ἦν ἐμοί, ὁρῶν ὥσπερ ἂν ἄλλον τιν' οὕτως, νεώτερον ὄντ' ἐμοῦ καὶ συχνῶ, ὅσ' ἐξ ὄψεως, οὐ μὴν
- 28 ἰσχυρίζομαι τούτῳ· καὶ γὰρ εὔηθες. ἀλλ' εἴ τις

## THE WITNESSES

Nevertheless, although it is so plain that by his 25  
 mother's oath and the simplicity of him who tendered  
 the oath to her, he has obtained a father and estab-  
 lished his birth in the tribe Acamantis, instead of  
 Hippothontis, the defendant Boeotus is not content  
 with this, but has actually entered two or three suits  
 against me for money, in addition to the malicious  
 and baseless actions which he brought against me  
 before. And yet I think you all know what sort of a  
 man of business my father was.<sup>a</sup> I will say nothing 26  
 about this ; but if the mother of these men has sworn  
 truly, it absolutely proves that the fellow is acting  
 as a malicious pettifogger in these suits. For if my  
 father was so extravagant that, after having married  
 my mother in lawful wedlock, he kept another  
 woman, whose children you are, and maintained two  
 establishments, how pray, if he were a man of this  
 sort, could he have left any money ?

I am well aware, men of Athens, that the defendant, 27  
 Boeotus, will have no valid argument to advance, but  
 will have recourse to the statements he is always  
 making, that my father was induced by me to treat  
 him with despite ; and he claims the right, alleging  
 that he is older than I, to bear the name of his  
 paternal grandfather. As to this, it is better for you  
 to listen to a few statements. I remember seeing  
 him, before he became a relative of mine, casually,  
 as one might see anyone else, and thought him  
 younger than I, and to judge by appearances, much  
 younger ; but I will not insist upon this, for it would  
 be silly to do so. However, suppose one should ask 28

<sup>a</sup> He was so poor a man of business that after his death  
 his heirs had to pay off indebtedness incurred by him.

## DEMOSTHENES

ἔροιτο Βοιωτὸν τουτονί, ὅτ' ἐν Ἰπποθωντίδι φυλῇ  
 χορεύειν ἤξιους, οὐπω τοῦ πατρὸς εἶναι φάσκων  
 υἱὸς τοῦ ἐμοῦ, τί σαυτὸν ἔχειν δικαίως ἂν θείης  
 ὄνομα; εἰ γὰρ Μαντίθειον, οὐκ ἂν διὰ τοῦτό γε

[1003] φυλῆς τότε σοι προσήκειν ἡγοῦ τῆς ἐμῆς, πῶς ἂν  
 29 τοῦ γε πάππου τοῦμοῦ ἡμφεσβήτεις; ἔτι δ', ὧ  
 ἄνδρες Ἀθηναῖοι, τὸν μὲν τῶν ἐτῶν χρόνον οὐδεὶς  
 οἶδεν ὑμῶν (ἐγὼ μὲν γὰρ ἐμοὶ πλείον', οὗτος δ'  
 ἑαυτῷ φήσει), τὸν δὲ τοῦ δικαίου λόγον πάντες  
 ἐπίστασθε. ἔστι δ' οὗτος τίς; ἀφ' οὗ παῖδας  
 ἐποίησατο τούτους ὁ πατήρ, ἀπὸ τούτου καὶ νομί-  
 ζεσθαι. πρότερον τοίνυν ἔμ' εἰς τοὺς δημότας ἐν-  
 ἔγραψε Μαντίθειον, πρὶν εἰσαγαγεῖν τοῦτον εἰς τοὺς  
 φράτερας. ὥστ' οὐ τῷ χρόνῳ μόνον, ἀλλὰ καὶ τῷ  
 δικαίῳ πρεσβεῖον ἔχοιμ' ἂν ἐγὼ τοῦνομα τοῦτ'  
 30 εἰκότως. εἶεν. εἰ δέ τίς σ' ἔροιτ' "εἶπέ μοι  
 Βοιωτέ, πόθεν νῦν Ἀκαμαντίδος φυλῆς γέγονας καὶ  
 τῶν δήμων Θορίκιος καὶ υἱὸς Μαντίου, καὶ τὸ  
 μέρος τῶν ὑπ' ἐκείνου καταλειφθέντων ἔχεις;"  
 οὐδὲν ἂν ἄλλ' ἔχοις εἰπεῖν, πλὴν ὅτι καμὲ ζῶν  
 ἐποίησατο Μαντίας. τί τεκμήριον, εἴ τις ἔροιτ', ἢ  
 μαρτύριόν ἐστὶ σοι τούτου; εἰς τοὺς φράτεράς μ'  
 εἰσήγαγε, φήσεις ἂν. τί οὖν σ' ἐνέγραψ' ὄνομ', εἴ  
 τις ἔροιτο, Βοιωτὸν ἂν εἴποις· τοῦτο γὰρ εἰσήχθης.  
 31 οὐκοῦν δεινόν, εἰ τῆς μὲν πόλεως καὶ τῶν ὑπ'  
 ἐκείνου καταλειφθέντων διὰ τοῦνομα τοῦτο μέτεστί

this Boeotus the following questions : " When you thought it right to join the chorus in the tribe Hippothontis before you claimed to be the son of my father, what name would you have set down as rightly belonging to you ? For if you should say, Mantitheus, you could not do so on the plea that you are older than I, for since at that time you did not suppose you had any connexion even with my tribe, how could you claim to be related to my grandfather ? Besides, <sup>29</sup> men of Athens, not one of you knows the number of the years, for I shall say that I am the elder, and he will say that he is, but you all understand the just way of reckoning. And what is this ? That these men should be considered children of my father from the date when he adopted them. Well then, he entered me on the register of the demesmen as Mantitheus, before he introduced this man to the clansmen. Therefore not by virtue of time only, but also by virtue of justice I have the right to bear this name as a mark of seniority. Very well. Now, <sup>30</sup> suppose one should ask you this question ? " Tell me, Boeotus, how is it that you have now become a member of the tribe Acamantis, and of the deme Thoricus, and a son of Mantias, and have your share in the property left by him ? " You could give no other answer than, " Mantias while living acknowledged me, too, as his son." If one should ask you what proof you had of this or what evidence, you would say, " He introduced me to the clansmen." But if one asked under what name he enrolled you, you would say, " Boeotus." for that is the name by which you were introduced. It is, then, an outrage <sup>31</sup> that whereas thanks to that name you have a share in the right of citizenship and in the estate left by

DEMOSTHENES

- σοι, τοῦτο δ' ἀξιοῖς ἀφείς ἕτερον μεταθέσθαι σαυτῶ. φέρ', εἴ σ' ὁ πατήρ ἀξιώσειεν ἀναστάς, ἢ μένειν ἐφ' οὗ σ' αὐτὸς ἐποιήσατ' ὀνόματος, ἢ πατέρ' ἄλλον σαυτοῦ φάσκειν εἶναι, ἂρ' οὐκ ἂν μέτρι' ἀξιοῦν δοκοίη; ταῦτ' αὖτις ταῦτ' ἐγὼ σ' ἀξιώ, ἢ πατρὸς ἄλλου σαυτὸν παραγράφειν, ἢ τοῦνομ' ἔχειν ὃ 'κεῖνος ἔδωκέ σοι. νῆ Δί', ἀλλ' ὕβρει καὶ [1004] ἐπήρειά τινι τοῦτ' ἐτέθη σοι. ἀλλὰ πολλάκις μὲν, ὅτ' οὐκ ἐποιεῖθ' ὁ πατήρ τούτους, ἔλεγον οὗτοι ὡς οὐδὲν χείρους εἰσὶν οἱ τῆς μητρὸς τῆς τούτου συγγενεῖς τῶν τοῦ πατρὸς τοῦμοῦ. ἔστιν δ' ὁ Βοιωτὸς ἀδελφοῦ τῆς τούτου μητρὸς ὄνομα. ἐπειδὴ δ' εἰσάγειν ὁ πατήρ τούτους ἠναγκάζετο, ἐμοῦ προεισηγμένου Μαντιθέου, οὕτω τούτον εἰσάγει Βοιωτόν, τὸν ἀδελφὸν δ' αὐτοῦ Πάμφιλον. ἐπεὶ σὺ δεῖξον, ὅστις Ἀθηναίων ταῦτ' ὄνομα αὐτοῦ παισὶν ἔθετο δυοῖν κὰν δεῖξης, ἐγὼ συγχωρήσω δι' ἐπήρειάν σοι 33 τοῦτο τοῦνομα θέσθαι τὸν πατέρα. καίτοι εἴ γε τοιοῦτος ἦσθα, ὥστε ποιήσασθαι μὲν σαυτὸν ἀναγκάσαι, ἐξ ὅτου δ' ἀρέσεις ἐκείνῳ τρόπου μὴ σκοπεῖν, οὐκ ἦσθ' οἷον δεῖ τὸν προσήκοντ' εἶναι περὶ τοὺς γονέας, οὐκ ὦν δ' οὐκ ἐπηρεάζου δικαίως ἂν, ἀλλ' ἀπωλώλεις. ἢ δεινὸν γ' ἂν εἴη, εἰ κατὰ μὲν τῶν ὑπὸ τοῦ πατρὸς αὐτοῦ νομιζομένων παίδων οἱ περὶ τῶν γονέων ἰσχύσουσι νόμοι, κατὰ τῶν δ' αὐτοὺς εἰσβιαζομένων ἄκοντας ποιεῖσθαι, ἄκυροι γενήσονται.
- 34 Ἄλλ', ὦ χαλεπώτατε Βοιωτέ, μάλιστα μὲν ὦν πράττεις πάντων παῦσαι, εἰ δ' ἄρα μὴ βούλει,

<sup>a</sup> The word chosen is the one properly used of aliens who seek to arrogate to themselves the rights of citizenship.

my father, you should see fit to fling it aside and take another name. Come ; suppose my father were to rise from the grave and demand of you either to abide by the name under which he adopted you, or to declare yourself the son of some other father, would his demand not be thought a reasonable one? Well then, I make this same demand of you, either to add to your name that of another father, or to keep the name which Mantias gave you. Ah, you may say, but that <sup>32</sup> name was given you by way of derision or insult. No ; very often, during the time when my father refused to acknowledge them, these men used to say that the kinsfolk of the defendant's mother were quite as good as those of my father. Boeotus is the name of his mother's brother ; and when my father was compelled to bring them into the clan, when I had already been introduced as Mantitheus, he introduced the defendant as Boeotus, and his brother as Pamphilus. For I challenge you to show me any Athenian who ever gave the same name to two of his sons. If you can, I will grant that my father gave you this name by way of insult. And yet, if your character was such <sup>33</sup> that you could force him to adopt you, but not study how you might please him, you were not what a true son ought to be toward his parents ; and, if you were not, you would have deserved, not only to be treated with indignity, but even to be put to death. It would indeed be an outrageous thing, if the laws concerning parents are to be binding upon children whom the father recognizes as his own, but are to be of no effect against those who have forced themselves in <sup>a</sup> and compelled an unwilling adoption.

You unconscionable Boeotus, do, pray, give up <sup>34</sup> your present ways ; but, if indeed you are unwilling

## DEMOSTHENES

ἐκεῖνό γε πρὸς Διὸς πιθοῦ· παῦσαι μὲν σαυτῶ  
 παρέχων πράγματα, παῦσαι δ' ἐμὲ συκοφαντῶν,  
 ἀγάπα δ' ὅτι σοι πόλις, οὐσία, πατὴρ γέγονεν.  
 οὐδεὶς ἀπελαύνει σ' ἀπὸ τούτων, οὔκουν ἔγωγε.  
 ἀλλ' ἂν μὲν, ὥσπερ εἶναι φῆς ἀδελφός, καὶ τὰ ἔργ'  
 ἀδελφοῦ ποιῆς, δόξεις εἶναι συγγενῆς, ἂν δ' ἐπι-  
 βουλεύης, δικάζῃ, φθονῆς, βλασφημῆς, δόξεις εἰς  
 ἀλλότρι' ἐμπεσὼν ὡς οὐ προσήκουσιν οὔτω χρη-  
 σθαι. ἐπεὶ ἔγωγ' οὐδ' εἰ τὰ μάλισθ' ὁ πατὴρ ὄντα  
 σ' ἑαυτοῦ μὴ ἐποιεῖτ' ἀδικῶ. οὐ γὰρ ἐμοὶ προσῆκεν  
 εἰδέναι, τίνες εἰσὶν υἱεῖς ἐκείνου, ἀλλ' ἐκείνῳ δεῖξαι,  
 τίν' ἐμοὶ νομιστέον ἔστ' ἀδελφόν. ὃν μὲν τοίνυν  
 οὐκ ἐποιεῖτό σε χρόνον, οὐδ' ἐγὼ προσήκουθ'  
 ἡγούμην, ἐπειδὴ δ' ἐποιήσατο, καγὼ νομίζω. τί  
 τούτου σημεῖον; τῶν πατρῶων ἔχεις τὸ μέρος  
 μετὰ τὴν τοῦ πατρὸς τελευτήν· ἱερῶν, ὀσίων  
 μετέχεις· ἀπάγει σ' οὐδεὶς ἀπὸ τούτων. τί βούλει;  
 ἂν δὲ φῆ δεινὰ πάσχειν καὶ κλάη καὶ ὀδύρηται καὶ  
 κατηγορῆ μου, ἃ μὲν ἂν λέγῃ, μὴ πιστεύετε (οὐ  
 γὰρ δίκαιον μὴ περὶ τούτων ὄντος τοῦ λόγου νυνί),  
 ἐκεῖνο δ' ὑπολαμβάνετε, ὅτι οὐδὲν ἔστ' αὐτῶ ἦττον  
 δίκην λαμβάνειν Βοιωτῶ κληθέντι. τί οὖν φιλο-  
 νικεῖς; μηδαμῶς· μὴ ἔχ' οὔτω πρὸς ἡμᾶς ἐθελ-  
 ἐχθρως· οὐδὲ γὰρ ἐγὼ πρὸς σέ, ἐπεὶ καὶ νῦν, ἵνα



to, do, in Heaven's name, accept advice in this at least ; cease to make trouble for yourself, and cease bringing malicious and baseless charges against me ; and be content that you have gained citizenship, an estate, a father. No one is trying to dispossess you of these things ; certainly not I. Nay, if, as you claim to be a brother, you also act as a brother, people will believe that you are of our blood ; but if you go on plotting against me, suing me, evincing malice toward me, slandering me, you will be thought to have intruded yourself into what belonged to others, and then to be treating it as though it were not rightly yours. I certainly am doing you no wrong, even if it <sup>35</sup> were never so true that my father refused to recognize you, though you were really his son. It was not my part to know who were his sons, but it was his to show me whom I must regard as a brother. Therefore, during the time in which he refused to recognize you, I also counted you as no relative ; but ever since he adopted you, I too regard you as a kinsman. What is the proof of this ? You possess your portion of my father's estate after his death ; you share in the religious rites, and civic privileges. No one seeks to exclude you from these. What is it that you would have ? But if he says that he is being outrageously treated, if he weeps and wails, and makes charges against me, do not believe what he says. It is not right that you should, since our argument is not now about these matters. But take this attitude—that he can just as well get satisfaction under the name of Boeotus. Why are you, then, so fond of wrangling ? Desist, I beg you ; do not be so ready to cherish <sup>36</sup> enmity against me. I am not so minded toward you. For even now—lest the fact escape your notice—I

## DEMOSTHENES

μηδὲ τοῦτο λάθῃ σε, ὑπὲρ σοῦ λέγω μᾶλλον, ἀξιῶν μὴ ταῦτὸν ἔχειν ὄνομ' ἡμᾶς. εἰ γὰρ μηδὲν ἄλλο ἀνάγκη τὸν ἀκούσαντ' ἐρέσθαι πότερος, δὴ ἂν ὧσι Μαντίθειοι Μαντίου. οὐκοῦν, ὃν ἠναγκάσθη ποιήσασθαι, σὲ ἂν λέγῃ, ἐρεῖ. τί οὖν ἐπιθυμεῖς τούτων;

Ἀνάγνωθι δέ μοι λαβὼν δύο ταυτασι μαρτυρίας, ὡς ἐμοὶ Μαντίθειον καὶ τούτῳ Βοιωτὸν ὁ πατήρ ὄνομ' ἔθετο.

### ΜΑΡΤΥΡΙΑΙ

- 37 Λοιπὸν ἡγοῦμαι τοῦθ' ὑμῖν ἐπιδείξαι, ὧ ἄνδρες Ἀθηναῖοι, ὡς οὐ μόνον εὐορκήσετε, ἂν ἀγὼ λέγω ψηφίσησθε, ἀλλὰ καὶ ὡς οὗτος αὐτὸς αὐτοῦ κατ-  
 [1006] ἔγνω Βοιωτὸν ἄλλ' οὐ Μαντίθειον ὄνομα δικαίως ἂν ἔχειν. λαχόντος γὰρ ἐμοῦ τὴν δίκην ταύτην Βοιωτῷ Μαντίου Θορικίῳ, ἐξ ἀρχῆς τ' ἠντεδίκη καὶ ὑπώμνυθ' ὡς ὢν Βοιωτός, καὶ τὸ τελευταῖον, ἐπεὶ οὐκέτ' ἐνῆν αὐτῷ διακρούσασθαι, ἐρήμην ἐάσας καταδικαιτῆσαι, σκέψασθε πρὸς θεῶν τί  
 38 ἐποίησεν· ἀντιλαγχάνει μοι τὴν μὴ οὔσαν Βοιωτὸν αὐτὸν προσαγορεύσας. καίτοι ἐξ ἀρχῆς τ' ἔδει ἔαν αὐτὸν τελέσασθαι τὴν δίκην κατὰ Βοιωτοῦ, εἴπερ μηδὲν προσῆκεν αὐτῷ τοῦνόματος, ὕστερόν τε μὴ αὐτὸν φαίνεσθαι ἐπὶ τῷ ὀνόματι τούτῳ ἀντιλαγχάνοντα τὴν μὴ οὔσαν. ὅς οὖν αὐτὸς αὐτοῦ κατέγνω δικαίως ἂν εἶναι Βοιωτός, τί ὑμᾶς ἀξιώσει τοὺς ὁμωμοκότας ψηφίζεσθαι;

am speaking rather in your interest than in my own, in insisting that we should not have the same name. If there were no other reason, at least anyone hearing it must ask which of us is meant if there are two Mantitheuses, sons of Mantias. Then he will say, "The one whom he was compelled to adopt." if he means you. How can you desire this ?

Now take, please, and read these two depositions, proving that my father gave me the name Manti-theus, and him the name Boeotus.

THE DEPOSITIONS

It remains, I think, to show you, men of Athens, 37 that not only will you be fulfilling your oaths, if you give the verdict for which I ask, but also that the defendant has given judgement against himself, that he should rightly bear the name of Boeotus, and not Mantitheus. For when I had entered this suit against Boeotus, son of Mantias, of Thoricus, at the first he accepted service of the suit, and put in an oath for delay, as being Boeotus ; but finally, when there was no longer room for evasion, he allowed the arbitrators to give judgement against him by default, and then, in Heaven's name, see what he did—he got this 38 judgement for non-appearance set aside, entitling himself Boeotus. And yet he ought in the first place to have allowed me to get my suit finished as against Boeotus, if that name did not, in fact, pertain to him at all, and not subsequently be found getting the judgement for non-appearance set aside under this name. When a man has thus given judgement against himself that he is properly Boeotus, what verdict can he demand that you sworn jurors shall give ?

## DEMOSTHENES

'Ως δὲ ταῦτ' ἀληθῆ λέγω, λαβέ μοι τὴν ἀντίληξιν  
καὶ τὸ ἔγκλημα τουτί.

### ΑΝΤΙΑΗΞΙΣ. ΕΓΚΛΗΜΑ

39 Εἰ μὲν τοίνυν οὗτος ἔχει δεῖξαι νόμον, ὃς ποιεῖ  
κυρίους εἶναι τοὺς παῖδας τοῦ ἑαυτῶν ὀνόματος, ἃ  
λέγει νῦν οὗτος ὀρθῶς ἂν ψηφίζοισθε. εἰ δ' ὁ μὲν  
νόμος, ὃν πάντες ἐπίστασθ' ὁμοίως ἐμοί, τοὺς  
γονέας ποιεῖ κυρίους οὐ μόνον θέσθαι τοῦνομ' ἐξ  
ἀρχῆς, ἀλλὰ κἂν πάλιν ἐξαλειψαί βούλωνται κάπο-  
κρηῦξαι, ἐπέδειξα δ' ἐγὼ τὸν πατέρ', ὃς κύριος ἦν  
ἐκ τοῦ νόμου, τούτῳ μὲν Βοιωτόν, ἐμοὶ δὲ Μαντί-  
θεον θέμενον, πῶς ὑμῖν ἔστιν ἄλλο τι πλὴν ἀγῶ  
40 λέγω ψηφίσασθαι; ἀλλὰ μὴν ὦν γ' ἂν μὴ ὦσι  
νόμοι, γνώμη τῇ δικαιοτάτῃ δικάσειν ὁμωμόκατε,  
ὥστ' εἰ μηδεὶς ἦν περὶ τούτων κείμενος νόμος, κἂν  
[1007] οὕτω δικαίως πρὸς ἐμοῦ τὴν ψῆφον ἔθεσθε. τίς  
γάρ ἐστιν ὑμῶν ὅστις ταῦτ' ὄνομα αὐτοῦ παισὶ  
τέθειται δυοῖν; τίς δ', ᾧ μήπω παῖδες εἰσὶ, θή-  
41 σεται; οὐδεὶς δήπου. οὐκοῦν ὁ δίκαιον τῇ γνώμῃ  
τοῖς ὑμετέροις αὐτῶν παισὶν ὑπειλήφατε, τοῦτο καὶ  
περὶ ἡμῶν εὐσεβὲς γνῶναι. ὥστε καὶ κατὰ τὴν  
δικαιοτάτην γνώμην καὶ κατὰ τοὺς νόμους καὶ  
κατὰ τοὺς ὄρκους καὶ κατὰ τὴν τούτου προσ-  
ομολογίαν, ἐγὼ μὲν μέτρι' ὑμῶν, ᾧ ἄνδρες Ἀθη-  
ναῖοι, δέομαι καὶ δίκαι' ἀξιώ, οὗτος δ' οὐ μόνον  
οὐ μέτρια, ἀλλ' οὐδ' εἰωθότα γίνεσθαι.

To prove that I am speaking the truth in this, take the decision setting aside the judgement for non-appearance and this complaint.

THE DECISION. THE COMPLAINT

If, now, my opponent can point out a law which gives 39 children the right to choose their own names, you would rightly give the verdict for which he asks. But if the law, which you all know as well as I, gives parents the right not only to give the name in the first place, but also to cancel it and renounce it by public declaration, if they please; and if I have shown that my father, who had this authority under the law, gave to the defendant the name Boeotus, and to me the name Mantitheus, how can you render any other verdict than that for which I ask? Nay, more, 40 in cases which are not covered by the laws, you have sworn that you will decide as in your judgement is most just, so that even if there were no law concerning these matters, you would have been bound to cast your votes in my favour. For who is there among you who has given the same name to two of his children? Who, that is as yet childless, will do so? No one, assuredly. Well then, what in your minds you have 41 decided to be right for your own children, it is your sacred duty to decide also in our case. Therefore on the basis of what you deem most just, on the basis of the laws, your oaths, and the admissions this man has made, my request of you, men of Athens, is reasonable, and my claims just; while my opponent asks what is not only unreasonable, but contrary to established usage.



AGAINST BOEOTUS

II

## INTRODUCTION

THIS speech was delivered by the same Mantitheus in a second suit against Boeotus (to whom after his apparent victory in the preceding suit we should properly give the name Mantitheus) to recover the marriage-portion of his mother. He states that, after striving for eleven years to reach a settlement, he has found it necessary to bring the case into court.

It appears that after his father's death he had recognized his two half-brothers as entitled each to a one-third share in his father's estate, but had claimed for himself a talent over and above his own share, as due to him from his mother's dowry. The older Mantitheus (Boeotus) met this action by a counter-claim that a like sum was due to him from his mother, Plangon. (It is stated in § 20 of this speech that she had brought Mantias a portion of more than one hundred minae.) At the first an arrangement was made whereby the estate of Mantias was divided between the three, the family house and the slaves alone being reserved pending the settlement of the conflicting claims.

Much bitterness, however, continued to exist between the two Mantitheuses, and the wrangling went on for years. The plaintiff in this suit claims that, although he had accepted "Boeotus" and Pamphilus as his father's sons, and had shared the estate with them, their licentious manner of life made it im-



## AGAINST BOEOTUS, II

possible for him and his daughter—a young woman of marriageable age—to live with them, so that he had been virtually ousted from his home. He even states that they might go so far as to seek to take his life by poison (§ 57).

The case came before the arbitrator, Solon, but, owing—the speaker claims—to the evasions and delays of the defendant, it was prolonged, and Solon died before an award was made. Both parties then reopened their suits each against the other, and when at last judgement was given against Boeotus he ignored it, claiming—perhaps with good reason—that his name was Mantitheus. Accordingly in the eleventh year suit was again brought against him under that name. He again met this with a counter-claim, not in this instance for his mother's portion, but for some other property which is not specified (§ 17).

The writer of this speech is familiar with the preceding one, and repeats some of its arguments, but his work bears the marks of a different hand, so that this oration, while undoubtedly a genuine piece of Greek forensic oratory, seems not to be by Demosthenes.

See further Schaefer, iii.<sup>2</sup> pp. 220 ff., and Blass, iii. pp. 509 ff.

## XL

### ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΠΡΟΙΚΟΣ ΜΗΤΡΩΙΑΣ

#### B

Πάντων ἐστὶν ἀνιάρωτατον, ὧ ἄνδρες δικασταί,  
 ὅταν τις ὀνόματι μὲν ἀδελφὸς προσαγόρευθῆτινων,  
 τῷ δ' ἔργῳ ἐχθροὺς ἔχη τούτους, καὶ ἀναγκάζεται  
 πολλὰ καὶ δεινὰ παθῶν ὑπ' αὐτῶν εἰσιέναι εἰς  
 2 δικαστήριον, ὃ νῦν ἐμοὶ συμβέβηκεν. οὐ γὰρ μόνον  
 ἀτύχημά μοι ἐξ ἀρχῆς ἐγένετο, διότι Πλαγγῶν ἡ  
 τούτων μήτηρ ἐξαπατήσασα τὸν πατέρα μου καὶ  
 ἐπιορκήσασα φανερώς, ἠνάγκασεν αὐτὸν ὑπομείναι  
 τούτους ποιήσασθαι, καὶ διὰ τοῦτο τὰ δύο μέρη  
 τῶν πατρῶων ἀπεστερήθη. ἀλλὰ πρὸς τούτοις  
 ἐξελέλαμαι μὲν ἐκ τῆς πατρῴας οἰκίας ὑπὸ τούτων,  
 ἐν ἧ καὶ ἐγενόμην καὶ ἐτρέφην, καὶ εἰς ἣν οὐχ ὁ  
 3 πατὴρ αὐτοὺς ἀλλ' ἐγὼ τελευτήσαντος ἐκείνου  
 [1009] παρεδεξάμην, ἀποστεροῦμαι δὲ τὴν προῖκα τῆς  
 ἑμαυτοῦ μητρός, περὶ ἧς νυνὶ δικάζομαι, αὐτὸς μὲν  
 τούτοις δίκας ὑπὲρ ὧν ἐνεκάλουν μοι πάντων  
 δεδωκώς, πλὴν εἴ τινα νῦν ἔνεκα τῆς δίκης ταύτης  
 ἀντειλήχασί μοι συκοφαντοῦντες, ὡς καὶ ὑμῖν ἔσται

## XL

### MANTITHEUS AGAINST BOEOTUS REGARDING HIS MOTHER'S MARRIAGE-PORTION

#### II

NOTHING is more painful, men of the jury, than when a man is addressed by name as "brother" of certain persons, whom in fact he regards as enemies, and when he is compelled, on account of the many cruel wrongs which he has suffered at their hands, to come into court; as is my case now. For instance, I have <sup>2</sup> not only had the misfortune in the beginning that Plangon, the mother of these men, by deceit and manifest perjury, compelled my father to bring himself to acknowledge them, and that consequently I was robbed of two-thirds of my inheritance; but, in addition to this, I have been driven by these men out of the house of my fathers, in which I was born and brought up, and into which they were admitted, not by my father, but by myself after his death; and I <sup>3</sup> am being robbed of my mother's dowry, for which I am now bringing suit, although I have myself given them satisfaction in all the matters in which they made claims upon me, except some trifling cross-demands which they have maliciously brought against me on account of this action, as will be perfectly

## DEMOSTHENES

καταφανές, παρὰ δὲ τούτοις ἐν ἔνδεκα ἔτεσιν οὐ  
 δυνάμενος τυχεῖν τῶν μετρίων, ἀλλὰ νῦν εἰς ὑμᾶς  
 4 βοηθοὺς καταπεφευγώς. | δέομαι οὖν ἀπάντων ὑμῶν,  
 ὦ ἄνδρες δικασταί, μετ' εὐνοίας τέ μου ἀκούσαι  
 οὕτως ὅπως ἂν δύνωμαι λέγοντος, κἂν ὑμῖν δεινὰ  
 δοκῶ πεπονθέναι, συγγνώμην ἔχειν μοι ζητοῦντι  
 κομίσασθαι τάμαυτοῦ, ἄλλως τε καὶ εἰς θυγατρὸς  
 ἔκδοσιν· συνέβη γάρ μοι δεηθέντος τοῦ πατρὸς  
 ὀκτωκαιδεκέτη γῆμαι, καὶ διὰ τοῦτο εἶναι μοι  
 5 θυγατέρα ἤδη ἐπίγαμον. ὥστ' ἐμοὶ μὲν δικαίως  
 ἂν ἀδικουμένῳ διὰ πολλὰ βοηθήσαιτε, τούτοις δ'  
 εἰκότως ἂν ὀργίζοισθε· οἵτινες, ὦ γῆ καὶ θεοί, ἐξὸν  
 αὐτοῖς τὰ δίκαια ποιήσασι μὴ εἰσιέναι εἰς δικασ-  
 τήριον, οὐκ αἰσχύνονται μὲν ἀναμιμνήσκοντες  
 ὑμᾶς, εἴ τι ἢ ὁ πατήρ ἡμῶν μὴ ὀρθῶς διεπράξατο,  
 ἢ οὗτοι εἰς ἐκείνον ἡμάρτον, ἀναγκάζουσι δ' ἐμέ  
 δικάζεσθαι αὐτοῖς. ἵνα δ' ἀκριβῶς εἰδῆτε, ὡς οὐκ  
 ἐγὼ τούτου αἰτιός εἰμι ἀλλ' οὗτοι, ἐξ ἀρχῆς ὑμῖν,  
 ὡς ἂν ἐν βραχυτάτοις δύνωμαι, διηγῆσομαι τὰ  
 πραχθέντα.

6 Ἡ γὰρ μήτηρ ἡ ἐμή, ὦ ἄνδρες δικασταί, θυγάτηρ  
 μὲν ἦν Πολυαράτου Χολαργέως, ἀδελφὴ δὲ Μενε-  
 ξένου καὶ Βαθύλλου καὶ Περιάνδρου. ἐκδόντος  
 δ' αὐτὴν τοῦ πατρὸς Κλεομέδοντι τῷ Κλέωνος  
 [1010] υἱεῖ, καὶ προῖκα τάλαντον ἐπιδόντος, τὸ μὲν πρῶτον  
 τούτῳ συνώκει· γενομένων δ' αὐτῇ τριῶν μὲν  
 θυγατέρων, υἱοῦ δ' ἑνὸς Κλέωνος, καὶ μετὰ ταῦτα  
 τοῦ ἀνδρὸς αὐτῇ τελευτήσαντος, ἀπολιπούσα τὸν  
 7 οἶκον καὶ κομισαμένη τὴν προῖκα, πάλιν ἐκδόντων

<sup>a</sup> Cholargus was a deme of the tribe Acamantis.

clear to you also ; yet in the course of eleven years I have been unable to obtain from them a reasonable settlement, and so at length I have had recourse to you for help. I beg you all, men of the jury, to listen 4 to me with goodwill, while I speak as best I can ; and if I seem to you to have suffered cruel wrongs, to pardon me for seeking to recover what is my own, especially as it is for a marriage-portion for my daughter. For it so happened that I married at my father's request when I was only eighteen, and that I have a daughter who is already of marriageable age. It is, therefore, just on many accounts that you should 5 aid me who am being wronged, and fitting that you should feel indignation against the men, who—O Earth and the Gods—when they need not have come into court at all had they done what is fair, are not ashamed to remind you of any improper acts of my father, or of wrongs which they committed against him, but even force me to go to law with them. To make you understand clearly that it is they, not I, who are to blame for this, I will set forth to you the facts of the case from the beginning with the utmost possible brevity.

My mother, men of the jury, was the daughter of 6 Polyaratus, of Cholargus,<sup>a</sup> and sister of Menexenus, and Bathyllus and Periander. Her father gave her in marriage to Cleomedon, son of Cleon,<sup>b</sup> adding a talent as her marriage-portion ; and at the first she dwelt with him as his wife, and bore him three daughters and one son, Cleon. After this her husband died, and she left his family, receiving back her marriage-portion. Her brothers, Menexenus and 7

<sup>b</sup> The famous demagogue, known to us from Thucydides and Aristophanes.

## DEMOSTHENES

αὐτὴν τῶν ἀδελφῶν Μενεξένου καὶ Βαθύλλου (ὁ γὰρ Περίανδρος ἔτι παῖς ἦν) καὶ τὸ τάλαντον ἐπιδόντων, συνώκησε τῷ ἐμῷ πατρί. καὶ γίγνομαι αὐτοῖς ἐγὼ τε καὶ ἄλλος ἀδελφὸς νεώτερος ἐμοῦ, ὃς ἔτι παῖς ὢν ἐτελεύτησεν.

Ὡς δ' ἀληθῆ λέγω, περὶ τούτων ὑμῖν πρῶτον τοὺς μάρτυρας παρέξομαι.

### ΜΑΡΤΥΡΕΣ

- 8 Τὴν μὲν τοίνυν μητέρα τὴν ἐμὴν οὕτως ὁ πατήρ μου γήμας εἶχε γυναῖκα ἐν τῇ οἰκίᾳ τῇ ἑαυτοῦ, ἐμέ τε ἐπαίδευε καὶ ἡγάπα, ὥσπερ καὶ ὑμεῖς ἅπαντες τοὺς ὑμετέρους παῖδας ἀγαπάτε. τῇ δὲ τούτων μητρὶ Πλαγγόνι ἐπλησίαζεν ὄντινα δὴ ποτ' οὖν
- 9 τρόπον· οὐ γὰρ ἐμὸν τοῦτο λέγειν ἐστί. καὶ οὕτως οὐ πάντα γε ἦν ὑπὸ τῆς ἐπιθυμίας κεκρατημένος, ὥστ' οὐδὲ τῆς μητρὸς τῆς ἐμῆς ἀποθανούσης ἠξίωσεν αὐτὴν εἰς τὴν οἰκίαν παρ' ἑαυτὸν εἰσδέξασθαι, οὐδὲ τούτους, ὡς νιεῖς εἰσιν αὐτοῦ, πεισθῆναι· ἀλλὰ τὸν μὲν ἄλλον χρόνον οὗτοι διῆγον οὐκ ὄντες τοῦμοῦ πατρός, ὡς καὶ ὑμῶν οἱ πολλοὶ ἴσασι, ἐπειδὴ δ' οὗτος ἀξήθεις καὶ μεθ' αὐτοῦ παρασκευασάμενος ἐργαστήριον συκοφαντῶν, ὧν ἡγεμῶν ἦν Μνησικλῆς καὶ Μενεκλῆς ἐκεῖνος ὁ τὴν Νῖνον ἐλών, μεθ' ὧν οὗτος ἐδικάζετό μου τῷ πατρὶ
- 10 φάσκων υἱὸς εἶναι ἐκείνου, συνόδων γιγνομένων πολλῶν ὑπὲρ τούτων, καὶ τοῦ πατρὸς οὐκ ἂν
- 1011] φάσκοντος πεισθῆναι, ὡς οὗτοι γεγονάσιν ἐξ αὐτοῦ, τελευτῶσα ἢ Πλαγγών, ὧ ἄνδρες δικασταί (πάντα γὰρ εἰρήσεται τάληθῆ πρὸς ὑμᾶς), μετὰ τοῦ Μενεκλέους ἐνεδρεύσασα τὸν πατέρα μου καὶ ἐξαπατή-
- 486

## AGAINST BOEOTUS, II. 7-10

Bathyllus (for Periander was still a boy) then gave her again in marriage with the talent for her dowry, and she dwelt with my father as his wife. There were born to them myself and another brother, younger than I, who died while still a child.

To prove that I am speaking the truth, I will first bring forward witnesses to establish these facts.

### THE WITNESSES

My father, then, having thus married my mother, 8 maintained her as his wife in his own house ; and he brought me up and showed me a father's affection such as you also all show to your children. But with Plangon, the mother of these men, he formed a connexion of some sort or other (it is not for me to say what it was) ; however, he was not so wholly the 9 slave of his passion as to deem it right even after my mother's death to receive the woman into his own house, or to admit that the defendants were his children. No, for all the rest of the time they lived as not being sons of my father, as most of you know ; but after Boeotus had grown up and had associated with himself a gang of blackmailers,<sup>a</sup> whose leaders were Mnesicles and that Meneclis who secured the conviction of Ninus, in connexion with these men he brought suit against my father, claiming that he was his son. Many meetings took place 10 about these matters, and my father declared that he would never be convinced that these men were his children, and finally Plangon, men of the jury (for the whole truth shall be told you), having in conjunction with Meneclis laid a snare for my father,

<sup>a</sup> On this whole passage compare the preceding oration, § 2.

## DEMOSTHENES

σασα ὄρκῳ, ὃς μέγιστος δοκεῖ καὶ δεινότατος παρὰ  
 πᾶσιν ἀνθρώποις εἶναι, ὠμολόγησε τριάκοντα  
 μνᾶς λαβοῦσα τούτους μὲν τοῖς αὐτῆς ἀδελφοῖς  
 εἰσποιήσῃσι υἱεῖς, αὐτὴ δ', ἂν πρὸς τῷ διαιτητῇ  
 προκαλῆται αὐτὴν ὁ πατήρ μου ὁμόσαι ἢ μὴν  
 τοὺς παῖδας ἐξ αὐτοῦ γεγονέναι, οὐ δέξασθαι τὴν  
 πρόκλησιν· τούτων γὰρ γενομένων οὔτε τούτους  
 ἀποστερήσασθαι τῆς πόλεως, τῷ τε πατρί μου  
 οὐκέτι δυνησέσθαι αὐτοὺς πράγματα παρέχειν, τῆς  
 11 μητρὸς αὐτῶν οὐ δεξαμένης τὸν ὄρκον. συγχωρη-  
 θέντων δὲ τούτων—τί ἂν ὑμῖν μακρολογοίην;—ὡς  
 γὰρ πρὸς τὸν διαιτητὴν ἀπήντησε, παραβᾶσα πάντα  
 τὰ ὠμολογημένα ἢ Πλαγγῶν, δέχεταιί τε τὴν  
 πρόκλησιν καὶ ὄμνυσιν ἐν τῷ Δελφινίῳ ἄλλον ὄρκον  
 ἐναντίον τῷ προτέρῳ, ὡς καὶ ὑμῶν οἱ πολλοὶ  
 ἴσασι· περιβόητος γὰρ ἢ πράξις ἐγένετο. καὶ  
 οὕτως ὁ πατήρ μου διὰ τὴν ἑαυτοῦ πρόκλησιν  
 ἀναγκασθεὶς ἐμμεῖναι τῇ διαίτῃ, ἐπὶ μὲν τοῖς  
 γεγενημένοις ἠγανάκτει καὶ βαρέως ἔφερε, καὶ εἰς  
 τὴν οἰκίαν οὐδ' ὡς εἰσδέξασθαι τούτους ἠξίωσεν,  
 εἰς δὲ τοὺς φράτερας ἠναγκάσθη εἰσαγαγεῖν. καὶ  
 τοῦτον μὲν ἐνέγραψε Βοιωτόν, τὸν δ' ἕτερον Πάμ-  
 12 φιλόν. ἐμὲ δ' εὐθύς ἔπειθε περὶ ὀκτωκαίδεκα ἔτη  
 γεγενημένον τὴν Εὐφήμου γῆμαι θυγατέρα, βουλό-  
 μενος παῖδας ἐξ ἐμοῦ γενομένους ἐπιδεῖν. ἐγὼ δ',  
 [1012] ὧ ἄνδρες δικασταί, νομίζων δεῖν καὶ πρότερον καὶ  
 ἐπειδὴ οὗτοι ἐλύπουν αὐτὸν δικαζόμενοι καὶ πράγ-

<sup>a</sup> A quotation from *Iliad*, xv. 37 f.

<sup>b</sup> These would be ensured to them by the fact of their being enrolled in the clan register; but if they were enrolled as sons of the brothers of Plangon, they could no longer "make trouble" for Mantias by claiming to be sons of his.



and deceived him by an oath that among all mankind is held to be the greatest and most awful,<sup>a</sup> agreed that, if she were paid thirty minae, she would get her brothers to adopt these men, and that, on her own part, if my father should challenge her before the arbitrator to swear that the children were in very truth his sons, she would decline the challenge. For if this were done, she said, the defendants would not be deprived of their civic rights,<sup>b</sup> but they would no longer be able to make trouble for my father, seeing that their mother had refused the oath. When these 11 terms had been accepted—for why should I make my story a long one?—he went to meet her before the arbitrator, and Plangon, contrary to all that she had agreed to do, accepted the challenge, and swore in the Delphinium<sup>c</sup> an oath which was the very opposite of her former one, as most of you know well; for the transaction became a notorious one. Thus, my father was compelled on account of his own challenge to abide by the arbitrator's award, but he was indignant at what had been done, and took the matter heavily to heart, and did not even so consent to admit these men into his house; but he was compelled to introduce them to the clansmen. The defendant he enrolled as Boectus, and the other as Pamphilus. As for me, he forthwith persuaded me, 12 for I was about eighteen years of age, to marry the daughter of Euphemus, wishing to live to see children born to me. I, men of the jury, as before, so especially then, when these men were beginning to annoy him with lawsuits and were proving troublesome, thought

<sup>c</sup> The temple of Apollo Delphinus, situated somewhere near the ancient entrance to the Acropolis.

## DEMOSTHENES

- ματα παρέχοντες, ἐμὲ τοῦναντίον εὐφραίνειν ἅπαντα ποιούνηθ' ὅσ' ἐκείνῳ χαριεῖσθαι μέλλοιμι, ἐπίεσθην
- 13 αὐτῷ. γήμαντος δέ μου τὸν τρόπον τοῦτον, ἐκείνος μὲν τὸ θυγάτριόν μοι ἐπιδὼν γενόμενον, οὐ πολλοῖς ἔτεσιν ὕστερον ἀρρωστήσας ἐτελεύτησεν· ἐγὼ δ', ὦ ἄνδρες δικασταί, ζῶντος μὲν τοῦ πατρὸς οὐδὲν ὥμην δεῖν ἐναντιοῦσθαι αὐτῷ, τελευτήσαντος δ' ἐκείνου εἰσεδεξάμην τε τούτους εἰς τὴν οἰκίαν καὶ τῶν ὄντων ἀπάντων μετέδωκα, οὐχ ὡς ἀδελφοῖς οὖσιν (οὐδὲ γὰρ ὑμῶν τοὺς πολλοὺς λελήθασιν ὃν τρόπον οὗτοι γεγόνασιν), νομίζων δ' ἀναγκαῖον εἶναί μοι, ἐπειδὴ ὁ πατήρ ἐξηπατήθη, πείθεσθαι
- 14 τοῖς νόμοις τοῖς ὑμετέροις. καὶ οὕτως ὑπ' ἐμοῦ εἰς τὴν οἰκίαν εἰσδεχθέντες, ὡς ἐνεμόμεθα τὰ πατρῶα, ἀξιούντος ἐμοῦ ἀπολαβεῖν τὴν τῆς μητρὸς προῖκα ἀντενεκάλουν καὶ οὗτοι, καὶ ἔφασαν ὀφείλεσθαι καὶ τῇ αὐτῶν μητρὶ τὴν ἴσην προῖκα. συμβουλευσάντων δ' ἡμῖν τῶν παρόντων, τὰ μὲν ἄλλα πάντα ἐνειμάμεθα, τὴν δ' οἰκίαν καὶ τοὺς παῖδας τοὺς διακόνοους τοῦ πατρὸς ἐξαιρέτους ἐποιησάμεθα,
- 15 ἢν' ἐκ μὲν τῆς οἰκίας, ὅποτέροις ἂν ἡμῶν φαίνηται ὀφειλομένη ἢ προίξ, οὗτοι αὐτὴν κομίσωνται, ἐκ δὲ τῶν παίδων κοινῶν ὄντων, ἐάν τι οὗτοι τῶν πατρῶων ἐπιζητῶσι, πυνθάνωνται, καὶ βασανίζοντες αὐτοὺς καὶ ἄλλῳ ὅτῳ ἂν τρόπῳ βούλωνται ζητοῦντες.

Ἔστι δὲ καὶ ταῦτ' ἀληθῆ λέγω, ἐκ τούτων τῶν μαρτυριῶν εἴσεσθε.

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<sup>a</sup> Below (§ 20, end) the amount is set at more than 100 minae, not a talent merely.

that I, on the contrary, ought to strive to gladden him by doing everything whereby I could give him pleasure, and so obeyed him. When I had married 13 in this way, and he had lived to see my little daughter born, not many years later he fell sick and died. Then, although during my father's lifetime, men of the jury, I had thought it my duty to oppose him in nothing, yet after his death I received these men into the house, and gave them a share of all the property, not as being really my brothers (for most of you are well aware of the manner in which they became such), but thinking that, as my father had been beguiled, it was my duty to obey your laws. And when they had thus been received by me into 14 the house, we proceeded to divide the inheritance: and upon my demanding that my mother's marriage-portion be repaid to me, these men put in a counter-claim, and alleged that a portion of like amount was owing to their mother.<sup>a</sup> On the advice of friends who were present we divided all the rest of the property but kept apart the house and the domestic servants of my father, in order that whichever party 15 of us might establish his claim to the dowry should recover it from the value of the house; and from the slaves, who were common property, the defendants, should they wish to search out<sup>b</sup> any of my father's effects, might make inquiry by torturing them, or by prosecuting their search in any other way they might please.

That I am speaking the truth in this also you will know from these depositions.

<sup>b</sup> The precise meaning of this phrase is open to question. It may imply a claim that some property had been omitted from the inventory or in some way concealed.

- 16 Μετὰ ταῦτα τοίνυν οὗτοί τ' ἐμοὶ δίκας ἔλαχον ὑπὲρ ὧν ἐνεκάλουν καὶ γὰρ τούτοις ὑπὲρ τῆς προικός. καὶ τὸ μὲν πρῶτον παραγραφάμενοι Σόλωνα Ἐρχιέα διαιτητὴν τούτῳ ἐπετρέψαμεν δικάσαι περὶ ὧν ἐνεκαλοῦμεν ἀλλήλοις· ὡς δ' οὐκ ἀπῆντων οὗτοι, ἀλλ' ἐφυγοδίκουν καὶ χρόνος διετρίβετο συχνός, τῷ μὲν Σόλῳνι συνέβη τελευτῆσαι τὸν βίον, οὗτοι δὲ πάλιν ἐξ ὑπαρχῆς λαγχάνουσί μοι τὰς δίκας, καὶ ἐγὼ τούτῳ, προσκαλεσάμενος αὐτὸν καὶ ἐπιγραφάμενος ἐπὶ τὸ ἔγκλημα Βοιωτὸν· τοῦτο γὰρ αὐτῷ ὁ
- 17 πατήρ ἔθετο τοῦνομα. περὶ μὲν οὖν ὧν οὗτοί μοι ἐδικάζοντο, παρόντος τούτου καὶ ἀντιδικοῦντος καὶ οὐκ ἔχοντος ἐπιδείξαι οὐδὲν ὧν ἐνεκάλουν, ἀπεδιήτησέ μου ὁ διαιτητής· καὶ οὗτος συνειδὼς αὐτῷ ἀδίκως ἐγκαλοῦντι οὔτε ἐφῆκεν εἰς τὸ δικαστήριον, οὔτε νῦν περὶ ἐκείνων εἴληχέ μοι δίκην οὐδεμίαν, ἀλλὰ περὶ ἄλλων τινῶν, λύσειν τοῖς ἐγκλήμασι τούτοις τὴν δίκην ταύτην οἴομενος. ἦν δ' ἐγὼ τοῦτον ἐδίωκον τότε περὶ τῆς προικός, ἐπιδημούντος τούτου ἐνθάδε καὶ οὐκ ἀπαντήσαντος πρὸς τὸν δι-
- 18 αιτητὴν, ἐρήμην κατεδιήτησεν αὐτοῦ. οὗτος δ', ὧ ἄνδρες δικασταί, οὔτε ἠντεδίκει τότε παρῶν οὔτ' ἔφη με καταδιαιτήσασθαι τὴν δίκην αὐτοῦ· οὐ γὰρ εἶναι Βοιωτὸν αὐτῷ ὄνομα, ἀλλὰ Μαντίθεον, καὶ οὔτως ὀνόματι ἀμφισβητῶν ἔργῳ τὴν προικὰ με τῆς μητρὸς ἀποστερεῖ. ἀπορῶν δ' ἐγὼ τί ἂν τις

<sup>a</sup> Erchia was a deme of the tribe Aeantis.

<sup>b</sup> Boeotus evidently hoped that making claims on his own behalf he could offset the claim of Mantitheus for the dowry of his mother.

## THE DEPOSITIONS

After this these men brought action against me to 16  
 establish their claims, and I sued them for the marriage-  
 portion. At the first we had Solon, of Erchia,<sup>a</sup> regis-  
 tered as arbitrator, and submitted to him for decision  
 the claims we advanced against each other. These  
 men, however, did not appear, but avoided the hear-  
 ing; and thus considerable time was wasted, and it  
 came about that Solon died. These men then insti-  
 tuted their suit against me afresh, and I my suit  
 against the defendant, summoning him under the  
 name of Boeotus, and inscribing that name on the  
 complaint; for that was the name my father gave  
 him. In the suit which these men brought against 17  
 me, Boeotus appeared and fought the case, but, since  
 he was unable to establish any of their claims, the  
 arbitrator decided in my favour; and Boeotus, con-  
 scious that he was making charges without any just  
 basis, did not appeal to a jury, and has not now  
 entered any suit against me in regard to these  
 matters, but in regard to some others, thinking to  
 break down this suit of mine by these counter-  
 charges.<sup>b</sup> In the suit which at that time I was carry-  
 ing on against Boeotus in regard to the marriage-  
 portion, since he was here in Athens and did not  
 appear before the arbitrator, the latter gave judge-  
 ment against him by default. And Boeotus, men of 18  
 the jury, though he was here at the time would not  
 contest the suit, but declared that I had not received  
 the arbitrator's verdict against *him*, for his name was  
 not Boeotus, but Mantitheus; and thus, by quibbling  
 about a name, he is in fact depriving me of my  
 mother's portion. As I was at a loss to know how

## DEMOSTHENES

χρήσαιτο τῷ πράγματι, οὕτω πάλιν τὴν αὐτὴν δίκην λαχὼν αὐτῷ Μαντιθέῳ ἑνδεκάτῳ ἔτει νῦν εἰς ὑμᾶς καταπέφευγα.

[1014] "Ὡς δὲ καὶ ταῦτ' ἀληθῆ λέγω, ἀναγνώσεται τὰς περὶ τούτων μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

19 "Ὅτι μὲν τοίνυν, ὦ ἄνδρες δικασταί, ἧ τε μήτηρ μου τάλαντον ἐπενεγκαμένη προῖκα, ἐκδοθεῖσα ὑπὸ τῶν ἀδελφῶν τῶν αὐτῆς, ὥσπερ οἱ νόμοι κελεύουσι, συνώκησε τῷ πατρί, καὶ ὄν τρόπον ἐγὼ τούτους εἰσεδεξάμην εἰς τὴν οἰκίαν τοῦ πατρὸς τελευτήσαντος, καὶ ὅτι ἀπέφυγον αὐτοὺς τὰς δίκας ἄς μοι ἐνεκάλουν, ταῦτα μὲν πάντα καὶ μεμαρτύρηται ὑμῖν καὶ ἐπιδέδεικται.

"Ἴθι δὴ λαβὲ καὶ τὸν περὶ τῆς προικὸς νόμον τουτονί.

### ΝΟΜΟΣ

20 Οὕτω τοίνυν τοῦ νόμου ἔχοντος, οἶμαι τουτονὶ Βοιωτὸν ἢ Μαντίθειον, ἢ ὅ τι ποτ' ἄλλο χαίρει προσαγορευόμενος, δικαίαν μὲν ἀπολογίαν καὶ ἀληθινὴν οὐδεμίαν ἔξειν εἰπεῖν, ἐπιχειρήσειν δὲ τῇ τόλμῃ καὶ τῇ θρασύτητι τῇ ἑαυτοῦ πιστεύοντα περιστάναι τὰς αὐτῶν συμφορὰς εἰς ἐμέ, ἅπερ καὶ ἰδίᾳ ποιεῖν εἴωθε, λέγων ὡς δημευθείσης τῆς Παμφίλου οὐσίας, ὃς ἦν πατὴρ τῆς Πλαγγόνος, τὰ περιγενόμενα χρήματα ὁ πατὴρ ὁ ἐμὸς ἔλαβεν ἐκ τοῦ βουλευτηρίου, καὶ οὕτως ἀποφαίνειν πειρώμενος τὴν μὲν αὐτοῦ μητέρα ἐπενεγκαμένην προῖκα

<sup>a</sup> The Bouleuterion, the meeting-place of the Council of 500, has been identified with a building found on the east

one should deal with a matter like this, I instituted the same suit afresh against him as Mantitheus, and now in the eleventh year I have come to you for help.

To prove that I am speaking the truth in this also, the clerk will read the depositions dealing with these matters.

THE DEPOSITIONS

That my mother, therefore, men of the jury, bringing a talent as her dowry, and given in marriage by her brothers, as the laws command, lived with my father as his wife; the manner, too, in which I received these men into the house after my father's death; and the fact that I obtained a verdict in the suits which they brought against me;—all this has been established for you by proofs and by testimony.

Come now, take also this law concerning the marriage-portion.

THE LAW

Such being the law, I fancy that this man—call him Boeotus or Mantitheus, or any other name by which he likes to be addressed—will have no valid or genuine defence to offer, but, relying upon his own audaciousness and effrontery, will endeavour to attach to me the misfortunes of his own family, as he is wont to do also in private life; and will allege that when the property of Pamphilus, who was the father of Plangon, was confiscated, my father took from out the council-chamber<sup>a</sup> the surplus proceeds<sup>b</sup>; and he will thus try to show that his own mother brought a dowry of

slope of the "Theseum" hill, overlooking the Agora. See Vanderpool, *Hesperia*, iv. pp. 470 ff.

<sup>b</sup> The amount, that is, over and above the debt to the treasury.

## DEMOSTHENES

πλείν ἢ ἑκατὸν μνᾶς, τὴν δ' ἐμὴν ἄπροικον φάσκων  
 21 συνοικῆσαι. ταῦτα διέξεισιν, ὦ ἄνδρες δικασταί,  
 οὔτε μαρτυρίαν οὐδεμίαν ἐμβεβλημένος ὑπὲρ τού-  
 των, οὔτ' ἀγνοῶν ὡς οὐδὲν ὑγιᾶς λέγει, ἀλλ' ἀκρι-  
 βῶς εἰδώς, ὅτι ὁμολογῶν μὲν ἀδικεῖν ἐν ὑμῖν οὐδεὶς  
 [1015] πω ἀπέφυγε, ψευδόμενος δὲ καὶ παραγωγὰς λέγων  
 ἤδη τις δίκην οὐκ ἔδωκεν. ἴν' οὖν μὴ ἐξαπατηθῆτε  
 ὑπ' αὐτοῦ, βέλτιον εἶναί μοι δοκεῖ βραχέα καὶ περὶ  
 22 τούτου πρὸς ὑμᾶς εἰπεῖν. εἰ γὰρ λέγη ὡς ἡ μὲν  
 ἐμὴ μήτηρ οὐκ ἐπηνέγκατο προῖκα, ἡ δὲ τούτων  
 ἐπηνέγκατο, ἐνθυμείσθ' ὅτι περιφανῶς ψεύδεται.  
 πρῶτον μὲν γὰρ Πάμφιλος ὁ πατὴρ τῆς τούτου  
 μητρὸς πέντε τάλαντα τῷ δημοσίῳ ὀφείλων ἐτε-  
 λεύτησε, καὶ τοσοῦτου ἐδέησε περιγενέσθαι τι τοῖς  
 ἐκείνου παισὶ τῆς οὐσίας ἀπογραφείσης καὶ δη-  
 μευθείσης, ὥστ' οὐδὲ τὸ ὄφλημα πᾶν ὑπὲρ αὐτοῦ  
 ἐκτέτευσται, ἀλλ' ἔτι καὶ νῦν ὁ Πάμφιλος ὀφείλων  
 τῷ δημοσίῳ ἐγγέγραπται. πῶς οὖν οἷόν τε τὸν  
 ἐμὸν πατέρα χρήματα λαβεῖν ἐκ τῆς Παμφίλου  
 οὐσίας, ἢ οὐδ' αὐτὸ τὸ ὄφλημα τῇ πόλει ἰκανὴν  
 23 ἐγένετο ἐκτεῖσαι; ἔπειτ', ὦ ἄνδρες δικασταί,  
 ἐνθυμείσθ' ὅτι, εἰ τὰ μάλιστα περιεγένετο τὰ  
 χρήματα ταῦτα, ὥσπερ οὗτοί φασι, οὐκ ἂν ὁ ἐμὸς  
 πατὴρ αὐτὰ ἔλαβεν, ἀλλ' οἱ τοῦ Παμφίλου υἱεῖς  
 Βοιωτὸς καὶ Ἡδύλος καὶ Εὐθύδημος, οἱ οὐκ ἂν  
 δήπου ἐπὶ μὲν τῷ τάλλότρια λαμβάνειν ὅτιανοῦν  
 ἐποίουν, ὡς καὶ ὑμεῖς ἅπαντες ἴστε, τὰ δ' αὐτῶν  
 τὸν ἐμὸν πατέρα περιεῖδον κομισάμενον.



more than one hundred minae, while my mother (he will claim) brought my father no portion whatever. These things he will state at length to you, men of the jury, although he has not put a single deposition in the box to substantiate them, and knows very well that there is not a word of truth in what he says ; for he is fully conscious that in your court no man who confessed his guilt was ever acquitted, whereas by lying and advancing arguments to lead you astray many a man ere now has avoided paying the penalty for his deeds. In order, then, that you may not be deceived by him, I think it is better to speak to you briefly about this matter also. For if he shall say that my mother did not bring with her a marriage-portion, while their mother did, bear in mind that he is manifestly lying. To begin with, Pamphilus, the father of this man's mother, died owing five talents to the public treasury, and so far from there being any surplus proceeds for his children after his property had been scheduled and confiscated, even his indebtedness has not been paid in full, but to this day Pamphilus stands inscribed as a debtor to the treasury. How, then, can it be that my father received money from the estate of Pamphilus, which proved inadequate to pay in full even the debt due to the city ? Furthermore, men of the jury, bear in mind, that were it never so true that this surplus money did accrue as these men pretend, it was not my father who would have received it, but the sons of Pamphilus, Boeotus and Hedyllus and Euthydemus ; and, I fancy, they are not men who would go to all lengths to get hold of the property of others, as you all know, and yet at the same time quietly have allowed my father to take possession of what was theirs.

## DEMOSTHENES

- 24 "Οτι μὲν τοίνυν ἢ γε τούτων μήτηρ οὐκ ἐπηνέγκατο προῖκα, ἀλλ' οὗτοι τοῦτο ψεύδονται, ἱκανῶς ὑμᾶς μεμαθηκέναι νομίζω· ὅτι δ' ἢ ἐμὴ μήτηρ ἐπηνέγκατο, ῥαδίως ἐγὼ δείξω. πρῶτον μὲν γὰρ Πολυαράτου θυγάτηρ ἦν, ὃς καὶ ὑφ' ὑμῶν ἐτιμᾶτο καὶ πολλὴν οὐσίαν ἐκέκτητο· ἔπειτα μεμαρτύρηται ὑμῖν, ὡς καὶ [1016] ἢ ἀδελφὴ αὐτῆς τοσαύτην προῖκα ἐπενεγκαμένη
- 25 Ἐρυξιμάχῳ συνώκησε, τῷ Χαβρίου κηδεστῇ. πρὸς δὲ τούτοις φαίνεται μου ἢ μήτηρ τὸ πρῶτον ἐκδοθεῖσα Κλεομέδοντι, οὗ φασι τὸν πατέρα Κλέωνα τῶν ὑμετέρων προγόνων στρατηγοῦντα, Λακεδαιμονίων πολλοὺς ἐν Πύλῳ ζῶντας λαβόντα, μάλιστα πάντων ἐν τῇ πόλει εὐδοκιμηῆσαι· ὥστ' οὔτε τὸν ἐκείνου προσῆκεν υἱὸν ἄπροικον αὐτὴν γῆμαι, οὔτε Μενέξενον καὶ Βάθυλλον εἰκός ἐστιν, αὐτοὺς τε οὐσίαν πολλὴν κεκτημένους καὶ Κλεομέδοντος τελευτήσαντος κομισαμένους τὴν προῖκα, ἀποστερῆσαι τὴν ἀδελφὴν τὴν ἑαυτῶν, ἀλλὰ προσθέντας αὐτοὺς ἐκδοῦναι τῷ ἡμετέρῳ πατρί, καθάπερ καὶ αὐτοὶ πρὸς ὑμᾶς καὶ οἱ ἄλλοι μεμαρτυρήκασιν.
- 26 χωρὶς δὲ τούτων ἐνθυμήθητε, διὰ τί ἂν ποτε ὁ πατήρ, εἴπερ ἢ μὲν ἐμὴ μήτηρ μὴ ἦν ἐγγυητὴ μηδ' ἠνέγκατο προῖκα, ἢ δὲ τούτων ἠνέγκατο, τοὺς μὲν οὐκ ἔφη αὐτοῦ υἱεῖς εἶναι, ἐμὲ δὲ καὶ ἐποιεῖτο καὶ ἐπαίδευεν; ὅτι νῆ Δί', ὡς οὗτοι φήσουσιν, ἐμοὶ χαριζόμενος καὶ τῇ ἐμῇ μητρὶ τούτους ἠτίμαζεν.

<sup>a</sup> The famous Athenian general, whose victories over the Lacedaemonians made him one of the most notable figures in Athenian military history during the first half of the fourth century B.C.

<sup>b</sup> A striking instance of the Greek preference for the spoken rather than the written word.

That the mother of these men did not bring with 24  
 her a marriage-portion, but that they are lying in  
 regard to this, I think has been proved to you quite  
 adequately ; but that my<sup>e</sup> mother did bring one. I  
 shall easily show. In the first place, she was the  
 daughter of Polyaratus, who was both honoured by  
 you citizens, and had acquired a large estate.  
 Secondly, it has been proved to you by witnesses  
 that her sister brought a dowry of the like amount  
 when she married Eryximachus, the brother-in-law  
 of Chabrias.<sup>a</sup> Besides all this, my mother is shown 25  
 to have been first given in marriage to Cleomedon,  
 whose father Cleon, we are told,<sup>b</sup> commanded troops  
 among whom were your ancestors, and captured alive  
 a large number of Lacedemonians in Pylos,<sup>c</sup> and won  
 greater renown than any other man in the state ; so it  
 was not fitting that the son of that famous man should  
 wed my mother without a dowry, nor is it likely that  
 Menexenus and Bathyllus, who had large fortunes  
 themselves, and who, after Cleomedon's death, re-  
 ceived back the dowry, defrauded their own sister ;  
 rather, they would themselves have added to her  
 portion, when they gave her in marriage to my  
 father, as they themselves and the others have testi-  
 fied before you. And besides this, just consider why 26  
 in the world, if my mother had not been a lawfully  
 espoused wife, and had brought no dowry, while the  
 mother of these men did, should my father have  
 denied that they were his sons, and have acknow-  
 ledged me, and brought me up ? Because, forsooth,  
 as these men will claim, he dishonoured them in order  
 to show favour to me and my mother. But my mother 27

<sup>e</sup> This was in 425 B.C. The account is given in Thucydides,  
 iv. 3 ff.

## DEMOSTHENES

- 27 ἄλλ' ἐκείνη μὲν ἔτι παῖδα μικρὸν ἐμὲ καταλιποῦσα αὐτὴ τὸν βίον ἐτελεύτησεν, ἣ δὲ τούτων μήτηρ Πλαγγῶν καὶ πρότερον καὶ μετὰ ταῦτα εὐπρεπῆς τὴν ὄψιν οὖσα ἐπλησίαζεν αὐτῷ· ὥστε πολὺ μᾶλλον εἰκὸς ἦν αὐτὸν διὰ τὴν ζῶσαν γυναῖκα, ἧς ἐρῶν ἐτύγχανε, τὸν τῆς τεθνεώσης υἱὸν ἀτιμάζειν, ἢ δι' ἐμὲ καὶ τὴν τετελευτηκυῖαν τοὺς ἐκ τῆς ζώσης καὶ
- 28 πλησιαζούσης αὐτῷ παῖδας μὴ ποιεῖσθαι. καίτοι οὗτός γ' εἰς τοῦτο τόλμης ἤκει, ὥστε φησὶ τὸν
- [1017] πατέρα μου δεκάτην ὑπὲρ αὐτοῦ ἐστιᾶσαι. καὶ περὶ τούτου μόνον Τιμοκράτους καὶ Προμάχου ἐμβέβληται μαρτυρίας, οἱ οὔτε γένει προσήκουσί μου τῷ πατρὶ οὐδέν, οὔτε φίλοι ἦσαν ἐκείνῳ. οὕτω δὲ φανερώς τὰ ψευδῆ μεμαρτυρήκασιν, ὥστε ὄν πάντων ὑμῶν εἰδότων οὗτος δίκην λαχὼν ἄκοντα ἠνάγκασε ποιήσασθαι αὐτόν, τοῦτον οὗτοι, ὥσπερ κλητῆρες, δύο μόνοι ὄντες μαρτυροῦσι δεκάτην ὑπὲρ
- 29 τούτου ἐστιᾶσαι. οἷς τίς ἂν ὑμῶν πιστεύσειεν; καὶ μὴν οὐδ' ἐκείνό γε εἰπεῖν αὐτῷ ἐνδέχεται, ὡς μικρὸν μὲν ὄντα ἐποιεῖτο αὐτὸν ὁ πατήρ, μείζω δὲ γενόμενον τῇ μητρὶ ὀργισθεῖς τι τῇ τούτων ἠτίμαζε· πολὺ γὰρ δήπου μᾶλλον εἰώθασιν, ὧν ἂν αὐτοῖς διενεχθῶσι γυνὴ καὶ ἀνὴρ, διαλλάττεσθαι διὰ τοὺς παῖδας ἢ διὰ τὰς πρὸς ἑαυτοὺς ὀργὰς τοὺς κοινούς παῖδας πρὸς μισεῖν. ὥστ' ἂν μὲν ἐπιχειρῇ ταῦτα λέγειν, μὴ ἐπιτρέπετε ἀναισχυντεῖν.

<sup>a</sup> See the Introduction to the preceding oration, p. 444.

<sup>b</sup> Perhaps to be identified with the Timocrates against whom Demosthenes delivered Oration XXIV.

died, leaving me still a little boy, whereas the mother of these men, Plangon, who was a handsome woman, maintained her connexion with him both before and after that ; so that it was much more likely that for the sake of the living woman, with whom he was in love all this time, he would dishonour the son of her who was dead, than that for my sake and my dead mother's he would refuse to acknowledge the children of her who was living and maintaining her connexion with him. My opponent, however, has come to such a pitch of audacity as to declare that my father made 28 a feast for him on the tenth day.<sup>a</sup> And in regard to this he has put in depositions of Timocrates<sup>b</sup> and Promachus alone, who are in no way related to my father, and were not friends of his. The testimony they have borne is so patently false, that, whereas you all know that Boeotus by instituting proceedings forced my father against his will to acknowledge him these men, like witnesses to a summons—and only two of them—depose that he made a feast for this fellow on the tenth day! Is there anyone of you 29 who can believe that? And assuredly it is not open to him to say this, either—that when he was a little child my father acknowledged him, but that when he was grown he scorned him because of some quarrel with the mother of these men; <sup>c</sup> for surely man and wife are much more apt, in cases where they are at variance with one another, to become reconciled for the sake of their children than, because of their enmity toward each other, to hate their common children as well. If, therefore, he attempts to say this, do not permit him to brazen it out. And should he go on to talk 30

<sup>a</sup> Compare the parallel passage in the preceding oration, § 23.

DEMOSTHENES

- 30 ἂν δὲ λέγῃ περὶ τῶν δικῶν ἃς ἀπεδιήτησέ μου ὁ  
 διαιτητής, καὶ φάσκη ὑπ' ἐμοῦ ἀπαράσκευος  
 ληφθῆναι, πρῶτον μὲν μέμνησθε ὅτι οὐκ ὀλίγος  
 χρόνος ἐγένετο, ἐν ᾧ ἔδει παρασκευάσασθαι αὐτόν,  
 ἀλλ' ἔτη πολλά, ἔπειθ' ὅτι οὗτος ἦν ὁ διώκων,  
 ὥστε πολὺ μᾶλλον ἦν εἰκὸς<sup>1</sup> ἐμέ ὑπὸ τούτου
- 31 ἀπαράσκευον ληφθῆναι, ἢ τούτον ὑπ' ἐμοῦ. ἔτι  
 δὲ πάντες ὑμῖν οἱ πρὸς τῷ διαιτητῇ παρόντες  
 μεμαρτυρήκασιν, ὡς οὗτος παρών, ὅτε ἀπεδιήτησέ  
 μου ὁ διαιτητής, οὔτε ἐφῆκεν εἰς τὸ δικαστήριον  
 ἐνέμεινέ τε τῇ διαίτῃ. καίτοι ἄτοπον δοκεῖ μοι  
 εἶναι, εἰ οἱ μὲν ἄλλοι, ὅταν οἴωνται ἀδικεῖσθαι, καὶ  
 τὰς πάνυ μικρὰς δίκας εἰς ὑμᾶς ἐφιᾶσιν, οὗτος δέ  
 μοι περὶ προικὸς δίκην ταλάντου λαχών, ταύτης,  
 ὡς αὐτός φησιν, ἀδίκως ἀποδιαιτηθείσης ἐνέμεινεν.
- 32 νῆ Δί', ἀπράγμων γὰρ ἴσως ἐστὶν ἄνθρωπος καὶ οὐ  
 [1018] φιλόδικος. ἐβουλόμην μέντ' ἂν, ὧ ἄνδρες δικασταί,  
 τοιοῦτον αὐτὸν εἶναι. νυνὶ δ' ὑμεῖς μὲν οὕτως ἐστέ  
 κοινοὶ καὶ φιλόανθρωποι, ὥστ' οὐδὲ τοὺς τῶν τριά-  
 κοντα υἱεῖς φυγαδεῦσαι ἐκ τῆς πόλεως ἠξιώσατε·  
 οὗτος δ' ἐμοὶ μετὰ Μενεκλέους τοῦ πάντων τούτων  
 ἀρχιτέκτονος ἐπιβουλεύσας, καὶ ἐξ ἀντιλογίας καὶ  
 λαιδορίας πληγὰς συναψάμενος, ἐπιτεμὼν τὴν  
 κεφαλὴν αὐτοῦ τραύματος εἰς Ἄρειον πάγον με  
 προσεκαλέσατο, ὡς φυγαδεύσων ἐκ τῆς πόλεως.
- 33 καὶ εἰ μὴ Εὐθύδικος ὁ ἰατρός, πρὸς ὃν οὔτοι τὸ

<sup>1</sup> πολὺ . . . εἰκὸς] πολὺ ἦν ἂν μᾶλλον εἰκὸς Blass.

about the actions brought by them, which the arbitrator decided in my favour, and claim that he was caught by me unprepared, remember, first, that it was not a short time that he had in which to prepare himself, but a great many years, and secondly, that it was he who brought the suit, so that it was much more likely that I should be taken unprepared by him than he by me. And further, all those who were present 31 before the arbitrator have given testimony that Boeotus was present when the arbitrator gave his decision in my favour and that he did not appeal to the court, but acquiesced in the decision. And yet it seems to me a strange thing that, whereas other men, who consider that they are being wronged,<sup>a</sup> bring before you on appeal cases even of the slightest import, this fellow, who had brought suit against me to recover a talent as the marriage-portion, and had this suit decided against him by the arbitrator, unjustly, as he claims, should acquiesce in the decision. Ah, but it may be said that he is a man who loves 32 peace and hates litigation. I could indeed wish, men of the jury, that he were a man of that type. But here is the truth: you are so generous and so kind toward your fellow-men that you did not deem it right to banish from the city even the sons of the Thirty Tyrants<sup>b</sup>; but Boeotus, plotting against me with Meneclæus, who is the prime mover in all these schemes, having managed to get up a quarrel that from disputes and revilings should come to blows, cut his own head, and summoned me before the Areopagus on a charge of murderous assault, with the intention of driving me into exile from the city. And if Euthydicus, the physician,—to whom these 33

<sup>a</sup> That is, by the arbitrator's award.

<sup>b</sup> In 403 B.C.

## DEMOSTHENES

πρῶτον ἦλθον δεόμενοι ἐπιτεμεῖν τὴν κεφαλὴν αὐτοῦ, πρὸς τὴν ἐξ Ἀρείου πάγου βουλὴν εἶπε τὴν ἀλήθειαν πάσαν, τοιαύτην ἂν δίκην οὗτος εἰλήφει παρ' ἐμοῦ οὐδὲν ἀδικούντος, ἢν ὑμεῖς οὐδὲ κατὰ τῶν τὰ μέγιστ' ἀδικούντων ὑμᾶς ἐπιχειρήσαιτ' ἂν ποιήσασθαι.

Ἴνα δὲ μὴ δοκῶ διαβάλλειν αὐτόν, ἀνάγνωθί μοι τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 34 Τοῦτον μὲν τοίνυν οὕτω μέγαν καὶ φοβερὸν ἀγῶνά μοι οὐχ ὡς εὐήθης ὢν, ἀλλ' ὡς ἐπίβουλος καὶ κακοῦργος κατεσκεύασεν. μετὰ δὲ ταῦτα ἀντὶ τοῦ ὀνόματος οὗ ἔθετο αὐτῷ ὁ πατήρ Βοιωτόν, ὥσπερ καὶ πρὸς ὑμᾶς μεμαρτύρηται, ἐπειδὴ ἐκεῖνος ἐτελεύτησε, Μαντίθειον ἑαυτὸν ἐγγράψας εἰς τοὺς δημότας, καὶ τοῦ αὐτοῦ ἐμοὶ καὶ πατρὸς καὶ δήμου προσαγορευόμενος, οὐ μόνον τὴν δίκην ταύτην, περὶ ἧς νυνὶ δικάζομαι, ἀνάδικον ἐποίησεν, ἀλλὰ καὶ χειροτονησάντων ὑμῶν ἐμὲ ταξίαρχον, ἦκεν αὐτὸς ἐπὶ τὸ δικαστήριον δοκιμασθησόμενος, δίκην [1019] τε ἐξούλης ὠφληκῶς, ταύτην οὐκ αὐτὸς ὠφληκέναι φησίν, ἀλλ' ἐμέ. ὡς δ' ἐν κεφαλαίῳ εἰπεῖν, κακά μοι παρέχων ἠνάγκασέ με λαχεῖν αὐτῷ δίκην περὶ τοῦ ὀνόματος, οὐχ ἵνα χρήματα παρ' αὐτοῦ λάβω, ὦ ἄνδρες δικασταί, ἀλλ' ἵν', ἔαν ὑμῖν δοκῶ δεινὰ πάσχειν καὶ βλάπτεσθαι μεγάλα, οὗτος καλῆται Βοιωτός, ὥσπερ ὁ πατήρ αὐτῷ ἔθετο.

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<sup>a</sup> By claiming that his name was Mantitheus, not Boeotus, he made of no effect the judgement rendered against him under the latter name.



men had gone in the first instance, asking him to make a cut on the head of Boeotus—had not told to the court of the Areopagus the whole truth, this man would have taken such vengeance upon me, who was guilty of no wrong toward him, as you would not try to inflict on those who were guilty of the greatest wrongs toward you.

That I may not be thought to be slandering him, read, please, the depositions.

THE DEPOSITIONS

This great and formidable contest, then, he got up 34 against me, not as a simple-minded fellow, but as a conspirator and a villain. But after this, instead of the name, Boeotus, which my father had given him, as has been proved to you by witnesses, after my father's death he had his name inscribed on the list of the demesmen as Mantitheus, and being further addressed by the name of the same father and the same deme as I myself, he not only forced a retrial of the case in which I am now suing him,<sup>a</sup> but when you had elected me taxiarch, he came in person to the court to pass the probationary test<sup>b</sup>; and when judgement had been given against him in an ejectment suit, he declared that it was not against him but against me that the judgement had been given. And to sum up the matter for you, he gave me so 35 much trouble that he compelled me to bring suit against him regarding the name, not in order to get money from him, men of the jury, but that, if it should appear to you that I am being outrageously treated and am suffering grievous wrongs, he may go on being called Boeotus, as my father named him.

<sup>b</sup> Every Athenian elected to public office had to pass a scrutiny (*δοκιμασία*) and prove his full citizenship.

## DEMOSTHENES

"Οτι τοίνυν ἀληθῆ καὶ ταῦτα λέγω, λαβέ μοι  
καὶ τὰς περὶ τούτων μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

36 Πρὸς τούτοις τοίνυν καὶ ὅτι ἐγὼ στρατευόμενος  
καὶ μετὰ Ἀμεινίου ξενολογήσας, ἄλλοθὲν τε χρή-  
ματα εὐπορήσας, καὶ ἐκ Μυτιλήνης παρὰ τοῦ  
ὑμετέρου προξένου Ἀπολλωνίδου καὶ παρὰ τῶν  
φίλων τῆς πόλεως λαβὼν τριακοσίους στατήρας  
Φωκαιᾶς, ἀνήλωσα εἰς τοὺς στρατιώτας, ἵνα πράξις  
τιςπραχθείη καὶ ὑμῖν καὶ ἐκείνοις συμφέρουσα,  
37 περὶ τούτων μοι δικάζεται ὡς πατρικὸν κεκομι-  
σμένῳ χρέως παρὰ τῆς πόλεως τῆς Μυτιληναίων,  
Καμμῦ τῷ τυραννοῦντι Μυτιλήνης ὑπηρετῶν, ὃς  
καὶ ὑμῖν κοινῇ καὶ ἐμοὶ ἰδίᾳ ἐχθρὸς ἐστίν.

"Οτι δ' ὁ πατήρ ἡμῶν, ἦν ἐψηφίσαντο αὐτῷ  
δωρεῖαν οἱ Μυτιληναῖοι, εὐθύς αὐτὸς ἐκομίσαστο,  
καὶ ὡς οὐδὲν ὠφείλετο αὐτῷ χρέως ἐν Μυτιλήνῃ,  
τῶν ὑμετέρων φίλων παρέξομαι μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

38 "Εχων τοίνυν, ὦ ἄνδρες δικασταί, καὶ ἄλλα πολλὰ  
καὶ δεινὰ λέγειν, ἃ οὔτος καὶ εἰς ἐμὲ καὶ εἰς ὑμῶν  
ἐνίους ἡμάρτηκεν, ἀναγκάζομαι διὰ τὸ ὀλίγον εἶναι  
[10:20] μοι τὸ ὕδωρ παραλιπεῖν. νομίζω δὲ καὶ ἐκ τούτων

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<sup>a</sup> Apparently an otherwise unknown commander of mercenary troops, under whom Mantiheus served as taxiar-ch.

<sup>b</sup> A state representative in a foreign land, somewhat analogous to our consul.

<sup>c</sup> The stater of Phocaea (a city on the coast of Ionia) was  
506

To prove that I am speaking the truth in this also, take, please, the depositions bearing on these matters.

THE DEPOSITIONS

In addition to all this, on the charge that, when I 36 was on military service and had collected mercenaries with Ameinias <sup>a</sup> (seeing that I was well-provided with funds from other sources, and had collected from Mytilene from your proxenus <sup>b</sup> Apollonides and the friends of our city three hundred Phocaic staters, <sup>c</sup> and had spent that sum upon these troops, in order that a matter might be prosecuted which was of advantage to you and to them alike)—for this he 37 brings suit against me, alleging that I had collected a debt due to my father from the city of the Mytileneans. In this he was seeking to serve Cammys, <sup>d</sup> tyrant of Mytilene, who is an enemy of Athens and a private enemy of mine.

But to prove that my father at the time received in person the reward which the people of Mytilene voted him, and that no debt was owing to him in Mytilene, I will produce a deposition of your friends.

THE DEPOSITION

I could mention many other outrageous acts of 38 which Boeotus has been guilty, men of the jury, both against myself and against you ; but I am compelled to pass them by as but little water is left me in the clepsydra. <sup>e</sup> I think, however, that, even as it is, you a gold coin somewhat heavier than the stater of Cyzicus (Oration XXXIV. § 23).

<sup>d</sup> A tyrant of Mytilene, otherwise unknown.

<sup>e</sup> The water-clock.

## DEMOSTHENES

ὑμῖν ἰκανῶς ἐπιδεδείχθαι, ὡς οὐ τοῦ αὐτοῦ  
 ἀνθρώπου ἐστίν, ἀγῶνα μὲν μοι περὶ φυγῆς κατα-  
 σκευάζειν καὶ δίκας οὐδὲν προσηκούσας δικάζεσθαι,  
 πρὸς δὲ τὸν διαιτητὴν ἀπαντᾶν ἀπαράσκευον. ὥστε  
 περὶ μὲν τούτων ἂν ἐπιχειρῆ λέγειν, οὐκ οἶμαι ὑμᾶς  
 39 ἀποδέξεσθαι. ἂν δὲ λέγῃ ὡς ἀξιούντος αὐτοῦ  
 ἐπιτρέψαι Κόνωνι τῷ Τιμοθέου περὶ ἀπάντων, ἐγὼ  
 οὐκ ἐβουλόμην ἐπιτρέπειν, ἐνθυμείσθε ὡς<sup>1</sup> ἔξαπατᾶν  
 ὑμᾶς ἐπιχειρήσει. ἐγὼ γὰρ περὶ μὲν ὧν αἱ δίκαι  
 οὐπω τέλος εἶχον, ἔτοιμος ἦν ἐπιτρέπειν καὶ Κόν-  
 ωνι καὶ ἄλλῳ διαιτητῇ ἴσω, ὅτῳ οὗτος βούλοιο·  
 περὶ δὲ ὧν τρεῖς πρὸς τὸν διαιτητὴν ἀπαντήσαντος  
 τούτου καὶ ἀντιδικούντος, ὁ μὲν διαιτητῆς ἀπέγνω  
 μου, οὗτος δὲ τοῖς γνωσθεῖσιν ἐνέμεινεν, ὡς καὶ  
 ὑμῖν μεμαρτύρηται, οὐκ ὤμην δίκαιον εἶναι ταῦτα  
 40 πάλιν ἀνάδικα γίνεσθαι· τί γὰρ ἂν ἦν πέρας ἡμῖν  
 τοῦ διαλυθῆναι, εἰ τὰ κατὰ τοὺς νόμους διαιτηθέντα  
 λύσας, ἐτέρῳ διαιτητῇ ἐπέτρεψα περὶ τῶν αὐτῶν  
 ἐγκλημάτων; ἄλλως τε καὶ ἀκριβῶς εἰδὼς ὅτι, εἰ  
 καὶ πρὸς τοὺς ἄλλους μὴ ἐπιεικές ἐστι ταῖς διαίταις  
 ἰσχυρίζεσθαι, πρὸς γε τοῦτον ἀπάντων δικαιοτάτον  
 41 ἦν οὕτως προσφέρεσθαι. φέρε γάρ, εἴ τις αὐτὸν  
 ξενίας γράφαιτο, λέγων ὡς διομνύμενος ὁ πατὴρ  
 οὐκ ἔφη τοῦτον υἱὸν αὐτοῦ εἶναι, ἔσθ' ὅτῳ ἂν ἄλλῳ  
 ἰσχυρίζοιτο πρὸς ταῦτα, ἢ διότι τῆς μητρὸς αὐτῶν  
 ὁμοσάσης καὶ τοῦ διαιτητοῦ γνόντος ἠναγκάσθη ὁ  
 42 πατὴρ ἡμῶν ἐμμεῖναι τῇ διαίτῃ; οὐκοῦν δεινόν, εἰ

<sup>1</sup> ὡς: ἦ Blass.

<sup>a</sup> The grandson of the famous Athenian general of this name.

have been shown conclusively that the same man who got up against me a suit involving the risk of banishment, and sued me on charges which concerned me not at all, is not one who would have come before the arbitrator unprepared: so that if he tries to say anything about this, I imagine that you will not tolerate it. If, however, he declares that he offered 39 to turn over all matters at issue between us to Conon,<sup>a</sup> son of Timotheus, for arbitration, and that I refused to submit them, be sure that he will be trying to mislead you. I, for my part, was ready to submit all matters upon which a decision had not yet been rendered, either to Conon or to any other impartial arbitrator whom Boeotus might choose; but matters regarding which the arbitrator had given a decision in my favour, after Boeotus had thrice appeared before him and contested the case,—a decision in which Boeotus acquiesced, as witnesses have testified to you,—these matters, I thought, could not justly be reopened. For to what final settlement could we ever 40 have come, if I had made invalid a decision given by an arbitrator in accordance with the laws, and had referred the same charge to the decision of another arbitrator?—especially as I knew full well that, even though in relation to other men it is not proper to insist overmuch on the decisions of arbitrators, yet it is peculiarly fair to deal thus with Boeotus. For 41 come, suppose someone should indict him for the usurpation of the rights of citizenship, declaring that my father denied on oath that this man was his son; could he rely on anything else to meet this charge than that, because of their mother's oath and the decision of the arbitrators, my father was forced to abide by the award? It would, then, be an out- 42

## DEMOSTHENES

οὗτος αὐτὸς κατὰ γνώσιν δαιτητοῦ ὑμέτερος πολίτης γεγενημένος καὶ πρὸς ἐμὲ τὴν οὐσίαν νειμά-  
 [1021] μενος καὶ τυχὼν τῶν μετρίων ἀπάντων, ἄς ἐγὼ  
 δίκας τοῦτον ἀπέφυγον παρόντα καὶ ἀντιδικούντα  
 καὶ τοῖς γνωσθεῖσιν ἐμμένοντα, ταύτας ἀναδίκους  
 ἀξιῶν γίνεσθαι δίκαιόν τι δοκοίη λέγειν ὑμῖν,  
 ὥσπερ, ὅταν μὲν τούτῳ συμφέρῃ, δέον εἶναι κυρίας  
 τὰς διαίτας, ὅταν δὲ μὴ συμφέρῃ, προσῆκον τὴν  
 τούτου γνώμην κυριωτέραν γενέσθαι τῶν κατὰ τοὺς  
 43 ὑμετέρους νόμους γνωσθέντων. ὃς οὕτως ἐπί-  
 βουλός ἐστιν, ὥστε καὶ τὴν δίαιταν ταύτην ἐπιτρέ-  
 πειν με προὔκαλεῖτο, οὐχ ὅπως ἀπαλλαγῆ πρός με,  
 ἀλλ' ἴν', ὥσπερ καὶ πρότερον ἔνδεκα ἔτη διήγαγε  
 κακουργῶν, οὕτως καὶ νῦν τὰ ἀποδαιτηθέντα μου  
 λύσας ἐξ ἀρχῆς με συκοφαντῆ καὶ τὴν δίκην ταύτην  
 44 ἐκκρούῃ. τεκμήριον δὲ τούτου μέγιστον· οὔτε γὰρ  
 τὴν πρόκλησιν ἐδέχετο, ἣν ἐγὼ κατὰ τοὺς νόμους  
 προὔκαλούμην αὐτόν, πρότερόν τε Ξενίππῳ, ὃν  
 οὗτος προὔβάλετο δαιτητήν, ἐπιτρέψαντός μου  
 περὶ τῆς τοῦ ὀνόματος δίκης, ἀπηγόρευεν αὐτῷ μὴ  
 δαιτᾶν.

Ὅτι δὲ καὶ ταῦτ' ἀληθῆ λέγω, ἐκ τῆς μαρτυρίας  
 καὶ τῆς προκλήσεως εἴσεσθε.

### ΜΑΡΤΥΡΙΑ. ΠΡΟΚΛΗΣΙΣ

45 Ταύτην τοίνυν τὴν πρόκλησιν οὐ δεξάμενος, ἀλλ'  
 ἐνεδρεύων με καὶ τὴν δίκην ὅτι πλείστον χρόνον  
 ἐκκρούειν βουλόμενος, κατηγορήσει, ὡς ἐγὼ πυνθά-  
 νομαι, οὐ μόνον ἐμοῦ, ἀλλὰ καὶ τοῦ πατρός, λέγων  
 ὡς ἐκεῖνος ἐμοὶ χαριζόμενος πολλὰ τοῦτον ἠδίκησεν.

rageous thing, if this man, after having become a citizen of your city through an arbitrator's decision, and having secured a share of my inheritance, and obtained all that was fair, should be thought by you to have any justice in his claim, when he demanded the reopening of the suits in which I won my acquittal, when he was present and argued against it, and acquiesced in the verdict ; just as though, when it is to his interest, awards ought to be valid, but, when it is not to his interest, his opinion should have more weight than decisions rendered in accordance with your laws. He is such a crafty schemer that his 43 purpose even in this proposal of arbitration was not made that he might be rid of his disputes with me, but that, as he had for eleven years previously carried on his knavery, so now, by rendering invalid the decisions given in my favour by the arbitrator, he might afresh institute his malicious proceedings against me, and elude the present suit. Here is a 44 convincing proof of this. He would not accept the challenge which I gave him according to the laws ; and when I had previously referred the suit about the name to Xenippus, whom he had proposed as arbitrator, he forbade him to render any decision.

That I am speaking the truth on these matters also you will learn from the deposition and the challenge.

#### THE DEPOSITION. THE CHALLENGE

This challenge, then, he did not accept, wishing 45 rather to lay a snare for me and to delay the suit as long as he possibly could ; and now, as I learn, he will accuse not only me, but my father as well, alleging that my father wronged him in many ways in order to

## DEMOSTHENES

ὑμεῖς δ', ὦ ἄνδρες δικασταί, μάλιστα μὲν, ὥσπερ  
 αὐτοὶ οὐκ ἂν ἀξιώσατε κακῶς ἀκούειν ὑπὸ τῶν  
 ὑμετέρων παίδων, οὕτω μηδὲ τούτῳ ἐπιτρέπετε  
 46 [1022] περὶ τοῦ πατρὸς βλασφημεῖν· καὶ γὰρ ἂν εἴη δεινόν,  
 εἰ αὐτοὶ μὲν πρὸς τοὺς ἐπὶ τῆς ὀλιγαρχίας πολλοὺς  
 τῶν πολιτῶν ἀκρίτους ἀποκτείναντας διαλλαγέντες  
 ἐμμένετε ταῖς ὁμολογίαις, ὥσπερ χρῆ τούς καλοὺς  
 κάγαθοὺς ἄνδρας, τούτῳ δὲ πρὸς τὸν πατέρα ζῶντα  
 καὶ διαλυθέντι καὶ πολλὰ παρὰ τὸ δίκαιον πλεον-  
 εκτήσαντι, νῦν μνησικακεῖν ἐπιτρέψαιτε καὶ κακῶς  
 47 ἐκείνον λέγειν. μηδαμῶς, ὦ ἄνδρες δικασταί, ἀλλὰ  
 μάλιστα μὲν κωλύετ' αὐτὸν ταῦτα ποιεῖν, ἂν δ'  
 ἄρα βιάζεται ὑμᾶς καὶ λοιδορῆται, ἐνθυμείσθ' ὅτι  
 αὐτὸς ἑαυτοῦ καταμαρτυρεῖ μὴ ἐξ ἐκείνου γε-  
 γενῆ σθαι. οἱ μὲν γὰρ φύσει παῖδες ὄντες, κἂν  
 πρὸς ζῶντας διενεχθῶσι τοὺς πατέρας, ἀλλ' οὖν  
 τελευτήσαντάς γε αὐτούς ἐπαινοῦσιν· οἱ δὲ  
 νομιζόμενοι μὲν νιεῖς, μὴ ὄντες δὲ γένει ἐξ ἐκείνων,  
 ῥαδίως μὲν αὐτοῖς διαφέρονται ζῶσιν, οὐδὲν δὲ  
 48 φροντίζουσι περὶ τεθνεώτων βλασφημοῦντες. χωρὶς  
 δὲ τούτων ἐνθυμείσθε ὡς ἄτοπὸν ἔστιν, εἰ οὗτος  
 τὸν πατέρα ὡς ἀμαρτόντα εἰς αὐτὸν λοιδορήσει, διὰ  
 τὰ ἐκείνου ἀμαρτήματα ὑμέτερος πολίτης γεγενη-  
 μένος. καγὼ μὲν διὰ τὴν τούτων μητέρα τὰ δύο  
 μέρη τῆς οὐσίας ἀφαιρεθεῖς, ὅμως ὑμᾶς αἰσχύνομαι  
 49 λέγειν περὶ ἐκείνης τι φλαῦρον· οὗτος δ', ὄν

<sup>a</sup> The allusion is to the amnesty declared after the expulsion of the Thirty Tyrants. For this "gentleness" of the democracy see Aristotle, *Constitution of Athens*, 22. 4.



show favour to me. But I beg you, men of the jury, as you would yourselves deem it an unseemly thing to be evil spoken of by your own children, not to allow this man either to speak evil of his father. For it would 46 indeed be an outrageous thing when you yourselves, after having come to terms with those who in the time of the oligarchy put to death without trial numbers of your countrymen, abide by your compact with them,<sup>a</sup> as men of honour should do, that you should allow this man, who was reconciled with my father while he lived, and won many advantages to which he had no right, now to renew the quarrel and to speak evil of that father when he is no more. Do not suffer this, men of the jury. If it be possible, 47 prevent him from acting in this way ; but if he persists in defying you and in speaking evil of my father, remember that he is bearing witness against himself that he is no son of his. For those who are true-born children, even though they may quarrel with their fathers while they are alive, yet speak well of them when they are dead ; whereas those who are accounted sons, but are not in truth children of their supposed fathers, quarrel with them without scruple while they are alive, and think nothing of slandering them when they are dead. And, besides, think how 48 absurd it is that this fellow should abuse my father for his failings toward him, when it was thanks to this father's failings<sup>b</sup> that he became a citizen of your state. I, on my part, have, thanks to the mother of these men, been deprived of two-thirds of my property, but for all that I have too much respect for you to speak disparagingly of her. But Boeotus 49

<sup>b</sup> " There is a play on the double sense of *ἀμαρτάνειν*, which is often used as a euphemism for the frailties of love."—Paley.

## DEMOSTHENES

ἠγάγκασεν αὐτῷ πατέρα γενέσθαι, τοῦτον οὐκ αἰσχύνεται ψέγων ἐναντίον ὑμῶν, ἀλλ' εἰς τοῦτ' ἀμαθίας ἤκει, ὥστε τῶν νόμων ἀπαγορευόντων μηδὲ τοὺς τῶν ἄλλων πατέρας κακῶς λέγειν τεθνεῶτας, οὗτος, οὗ φησιν υἱὸς εἶναι, τοῦτον λοι-

[1023] *δορήσει, ᾧ προσῆκε καὶ εἴ τις ἄλλος ἐβλασφήμει περὶ αὐτοῦ ἀνανακτεῖν.*

50 Οἷομαι δ' αὐτόν, ᾧ ἄνδρες δικασταί, ἐπειδὴν τῶν ἄλλων ἀπορῆ, κακῶς τέ με ἐπιχειρήσειν λέγειν καὶ διαβάλλειν πειράσεσθαι, διεξιόνθ' ὡς ἐγὼ μὲν καὶ ἐτράφην καὶ ἐπαιδεύθην καὶ ἔγνημα ἐν τῇ τοῦ πατρὸς οἰκίᾳ, αὐτὸς δ' οὐδενὸς τούτων μετέσχευ. ὑμεῖς δ' ἐνθυμείσθ' ὅτι ἐμὲ μὲν ἡ μήτηρ παῖδα καταλιπούσα ἐτελεύτησεν, ὥστε μοι ἰκανὸν ἦν ἀπὸ τοῦ τόκου τῆς

51 *προικὸς καὶ τρέφεσθαι καὶ παιδεύεσθαι· ἡ δὲ τούτων μήτηρ Πλαγγών, τρέφουσα μεθ' αὐτῆς τούτους καὶ θεραπαίνας συχνὰς καὶ αὐτῇ<sup>1</sup> πολυτελῶς ζῶσα, καὶ εἰς ταῦτα τὸν πατέρα τὸν ἐμὸν χορηγὸν ἑαυτῇ ὑπὸ τῆς ἐπιθυμίας ἔχουσα καὶ πολλὰ δαπανᾶν ἀναγκάζουσα, οὐκ ἴσα δήπου τῆς ἐκείνου οὐσίας ἐμοὶ ἀνήλωκεν, ὥστε πολὺ μᾶλλον προσῆκεν ἐμὲ τούτοις*

52 *ἐγκαλεῖν, ἢ αὐτὸν ἐγκλήματ' ἔχειν ὑπὸ τούτων. ὃς πρὸς τοῖς ἄλλοις εἴκοσι μὲν μνᾶς δανεισάμενος μετὰ τοῦ πατρὸς παρὰ Βλεπαίου τοῦ τραπεζίτου εἰς ὠνήν τινα μετάλλων, ἐπειδὴ ὁ πατήρ ἐτελεύτησε, τὰ μὲν μέταλλα πρὸς τούτους ἐνειμάμην, τὸ δάνειον δ' αὐτὸς εἰσεπράχθην, ἑτέρας δὲ χιλίας εἰς τὴν τοῦ πατρὸς ταφὴν παρὰ Λυσιστράτου Θορικίου δανεισάμενος, ἰδία ἐκτέτεικα.*

Ὡς δ' ἀλήθῃ καὶ ταῦτα λέγω, ἐκ τούτων τῶν μαρτυριῶν εἴσεσθε.

<sup>1</sup> αὐτῇ omitted by Blass.

feels no shame in disparaging before you the man whom he compelled to become his father, and has even come to such a pitch of vulgarity that, although the laws forbid speaking ill even of other men's fathers after they are dead, he will slander the man whose son he claims to be ; whereas it would be proper for him to show resentment if anyone else spoke evil of him.

I fancy, men of the jury, that, when he is at a loss 50 for anything else to say, he will undertake to speak evil of me, and will try to bring me into disrepute, rehearsing at length how I was reared and educated and married in my father's house, while he had no share in any of these advantages. But I bid you bear in mind that my mother died leaving me a child, so that the interest of her marriage-portion was sufficient to rear and educate me ; whereas Plangon, the 51 mother of these men, maintained them and a host of female servants in her own house, and herself lived lavishly, having my father ready, because of his passion for her, to supply the funds for all this, and forcing him to heavy expenditures. She therefore spent far more of his property than I did, so that I might with far better reason bring charges against them than they against me. For, besides all the 52 rest, in connexion with my father I borrowed twenty minae from Blepaeus the banker, for the purchase of some mining properties, and after my father's death I shared the mines with these men, but had to pay the loan myself. I also borrowed another thousand drachmae from Lysistratus of Thoricus for my father's funeral, and have personally paid the debt.

That I am speaking the truth on these matters also you will learn from these depositions.

## DEMOSTHENES

### ΜΑΡΤΥΡΙΑΙ

- 53 Τοσαῦτα τοίνυν ἐμοῦ ἐλαττουμένου φανερώς, οὗτος νῦν σχετλιάζων καὶ δεινοπαθῶν καὶ τὴν  
 [1024] προϊκά με τῆς μητρὸς ἀποστερήσει; ἀλλ' ὑμεῖς, ὦ ἄνδρες δικασταί, πρὸς Διὸς καὶ θεῶν μὴ κατα-  
 πλαγῆτε ὑπὸ τῆς κραυγῆς τῆς τούτου· πολὺς γάρ, πολὺς καὶ τολμηρὸς ἐστὶν ἄνθρωπος, καὶ οὕτως κακοῦργος, ὥστε περὶ ὧν ἂν μὴ ἔχη μάρτυρας παρασχέσθαι, ταῦτα φήσει ὑμᾶς εἰδέναι, ὦ ἄνδρες δικασταί, ὃ πάντες ποιοῦσιν οἱ μηδὲν ὑγιᾶς λέ-  
 54 γοντες. ὑμεῖς οὖν εἴαν τι τοιοῦτον τεχνάζη, μὴ ἐπιτρέπετε αὐτῷ, ἀλλ' ἐξελέγχετε, καὶ ὃ τι ἂν μὴ ἕκαστος ὑμῶν εἰδῆ, μηδὲ τὸν πλησίον δοκιμαζέτω εἰδέναι, ἀλλ' ἀξιούτω τούτον ἀποδεικνύει σαφῶς ὑπὲρ ὧν ἂν λέγῃ, καὶ μὴ ὑμᾶς φάσκοντα εἰδέναι, περὶ ὧν αὐτὸς οὐδὲν ἔξει εἰπεῖν δίκαιον, ἀποδιδράσκειν τὴν ἀλήθειαν, ἐπεὶ καὶ ἐγώ, ὦ ἄνδρες δικασταί, πάντων ὑμῶν εἰδόντων ὃν τρόπον ἀναγκασθεὶς ὁ πατήρ μου ἐποιήσατο τούτους, οὐδὲν ἦττον δικάζομαι νῦν αὐτοῖς καὶ μάρτυρας ὑποδίκους  
 55 παρέσχημαι. καίτοι οὐκ ἴσος γ' ἡμῖν ἐστὶν ὁ κίνδυνος, ἀλλ' ἐμοὶ μὲν, εἴαν ὑμεῖς νυνὶ ὑπὸ τούτων ἐξαπατηθῆτε, οὐκ ἐξέσται ἔτι δικάσασθαι περὶ τῆς προικός· τούτοις δ', εἰ φασὶν ἀδίκως ἀποδαιτησαί μου τὸν διαιτητὴν τὰς δίκας, καὶ τότε ἔξῃν εἰς ὑμᾶς ἐφεῖναι καὶ νῦν ἐκγενήσεται πάλιν, εἴαν βούλωνται,  
 56 παρ' ἐμοῦ λαβεῖν ἐν ὑμῖν τὸ δίκαιον. καὶ ἐγὼ μὲν, εἴαν, ὃ μὴ γένοιτο, ὑμεῖς με ἐγκαταλίπητε, οὐχ ἔξω

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<sup>a</sup> Liable, that is, to prosecution for perjury, if their testimony be proved false.

## THE DEPOSITIONS

When I am thus so clearly at a disadvantage in 53  
 so many respects, shall this man now by making a  
 great to-do and outcry about his wrongs, rob me also  
 of my mother's marriage-portion? But do not, men  
 of the jury, I beg you by Zeus and the Gods, do not  
 be overwhelmed by the noise he makes. He is a  
 violent fellow, violent and ready to go to all lengths;  
 and he is so unscrupulous that, if he has no witnesses  
 to prove a fact, he will say that it is well known to  
 you, men of the jury,—a trick to which all those have  
 recourse who have no just argument to advance. If 54  
 he shall try any such trick, do not tolerate it; expose  
 him. What anyone of you does not know, let him  
 deem that his neighbour does not know either. Let  
 him demand that Boeotus prove clearly whatever  
 statements he may make, and not shirk the truth by  
 declaring that you know things about which he will  
 have no just argument to advance; since I, on my  
 part, men of the jury, although you all know the  
 way in which my father was compelled to adopt these  
 men, am none the less suing them at law, and have  
 brought forward witnesses responsible for their testi-  
 mony.<sup>a</sup> And yet the risk is not the same for both of 55  
 us. On my part, if you are now led astray by these  
 men, it will not be open to me to bring suit again  
 for the marriage-portion; but they, if they claim  
 that the arbitrator was wrong in giving his decision  
 in my favour, as at that time they had the right to  
 appeal to your court, so now again will be permitted,  
 if they so wish, to recover their rights from me in  
 your court. I, if you leave me in the lurch, which I 56  
 pray may not happen, shall have no means of giving

## DEMOSTHENES

πόθεν προῖκα ἐπιδῶ τῇ θυγατρὶ, ἧς τῇ μὲν φύσει  
 πατήρ εἰμι, τὴν δ' ἡλικίαν αὐτῆς εἰ ἴδοιτε, οὐκ ἂν  
 θυγατέρα μου ἀλλ' ἀδελφὴν εἶναι αὐτὴν νομίσαιτε·  
 οὔτοι δέ, ἐὰν ὑμεῖς μοι βοηθήσητε, οὐδὲν ἐκ τῶν  
 [1025] ἰδίων ἀποτείσουσιν, ἀλλ' ἐκ τῆς οἰκίας τὰ ἐμὰ ἐμοὶ  
 ἀποδώσουσιν, ἣν ἐξειλόμεθα μὲν κοινῇ πάντες εἰς  
 τὴν ἔκτεισιν τῆς προικός, οἰκοῦντες δ' αὐτὴν οὔτοι  
 57 μόνοι διατελοῦσιν. οὔτε γὰρ ἀρμόττει μοι θυγα-  
 τέρα ἐπίγαμον ἔχοντι οἰκεῖν μετὰ τοιούτων,<sup>1</sup> οἳ οὐ  
 μόνον αὐτοὶ ἀσελγῶς ζῶσιν, ἀλλὰ καὶ ὁμοίους  
 αὐτοῖς ἐτέρους πολλοὺς εἰς τὴν οἰκίαν εἰσάγουσιν,  
 οὔτε μὰ τὸν Δί' ἀσφαλὲς εἶναί μοι νομίζω συζῆν  
 τούτοις ἐν τῷ αὐτῷ· ὅπου γὰρ οὔτω φανερώς  
 μοι ἐπιβουλεύσαντες εἰς Ἄρειον πάγον ἀγῶνα  
 κατεσκεύασαν, τίνος οὔτοι ἢ φαρμακείας ἂν ἢ  
 58 κακουργίας τοιαύτης ὑμῖν ἀποσχέσθαι δοκοῦσιν; οἷ  
 γε πρὸς τοῖς ἄλλοις (ἀρτίως γὰρ καὶ τοῦτο ἀν-  
 εμνήσθην) εἰς τοσαύτην ὑπερβολὴν τόλμης ἤκουσιν,  
 ὥστε καὶ Κρίτωνος μαρτυρίαν ἐνεβάλλοντο, ὡς  
 ἐώνηται τὸ τρίτον παρ' ἐμοῦ μέρος τῆς οἰκίας· ἦν,  
 ὅτι ψευδὴς ἐστὶ, ῥαδίως εἴσεσθε. πρῶτον μὲν γὰρ  
 οὐχ οὔτω μετρίως ζῆ Κρίτων, ὥστε παρ' ἐτέρου  
 οἰκίαν ὠνεῖσθαι, ἀλλ' οὔτω πολυτελῶς καὶ ἀσώτως,  
 ὥστε πρὸς τοῖς ἑαυτοῦ καὶ τὰ τῶν ἄλλων ἀνα-  
 λίσκειν· ἔπειτ' οὐ μαρτυρεῖ τούτῳ νῦν, ἀλλ' ἐμοὶ  
 ἀντιδικεῖ· τίς γὰρ ὑμῶν οὐκ οἶδεν, ὅτι μάρτυρες  
 μὲν εἰσιν οὔτοι, οἷς μὴ μέτεστι τοῦ πράγματος, περὶ  
 οὗ ἡ δίκη ἐστίν, ἀντίδικοι δ' οἳ κοινωνοῦντες τῶν  
 πραγμάτων, ὑπὲρ ὧν ἂν δικάζηται τις αὐτοῖς; ὃ

<sup>1</sup> τοιούτων] τούτων Blass.

a dowry to my daughter, whose own father I am, although, if you see her size, you would deem she was not my daughter but my sister ;<sup>a</sup> but these men, if you come to my aid, will pay nothing out of their own property, but will restore to me what is my own from the house which by common agreement we reserved for the settlement of the marriage-portion, but in which these men have been living by themselves. For it is not fitting that I, having a daughter 57 of marriageable age, should dwell with men of their sort, who are not only themselves living licentious lives, but who also bring into the house a host of others of like stamp with themselves ; nay, by Zeus, I do not deem it safe to live in the same house with them myself. When they have thus openly laid a plot, and got up a charge against me before the Areopagus, do you suppose there is any poisoning or any other such villainy from which they would 58 abstain ? Besides all the rest (for this has occurred to me just now), they have come to such a pitch of audacity as to have put in a deposition of Crito, alleging that he has purchased from me my one-third share in the house. Now that this is false you will easily perceive ; for in the first place Crito does not live so economically as to be able to purchase a house from someone else, but so extravagantly and licentiously that he spends the property of others as well as his own. Again, he is not now this man's witness, but rather my adversary. For who among you is ignorant that witnesses are those who have no interest in the matter at issue in the suit ; while adversaries are those who are involved in the matters in regard to which one goes to law with them ? The latter is

<sup>a</sup> See above, § 12.

## DEMOSTHENES

- 59 Κρίτωνι συμβέβηκεν. ἔτι δὲ τοσοῦτων ὑμῶν ὄντων, ὧ ἄνδρες δικασταί, καὶ τῶν ἄλλων Ἀθηναίων πολλῶν, ἄλλος μὲν οὐδεὶς αὐτῷ παραγενέσθαι μεμαρτύρηκε, Τιμοκράτης δὲ μόνος, ὥσπερ ἀπὸ [1026] μηχανῆς, μαρτυρεῖ μὲν δεκάτην ἐστιᾶσαι τούτῳ τὸν ἐμὸν πατέρα, ἡλικιώτης ὢν τοῦ νυνὶ φεύγοντος τὴν δίκην, φησὶ δὲ πάνθ' ἀπλῶς εἰδέναί αἱ δὴ τούτοις συμφέρει, μαρτυρεῖ δὲ νυνὶ μόνος Κρίτωνι παρεῖναι, ὅτε παρ' ἐμοῦ τὴν οἰκίαν ἐωνεῖτο. ὃ τίς ἂν ὑμῶν πιστεύσειεν; ἄλλως τε καὶ ὅτι οὐ περὶ τῆς οἰκίας, πότερα ἐώνηται Κρίτων αὐτὴν ἢ μή, νυνὶ δικάζομαι, ἀλλὰ περὶ προικός, ἣν ἐνεγκαμένης τῆς μητρὸς οἱ νόμοι κελεύουσιν ἐμὲ κομίζεσθαι.
- 60 ὥστε καθάπερ ὑμῖν ἐγὼ καὶ ἐκ μαρτυριῶν πολλῶν καὶ ἐκ τεκμηρίων ἐπέδειξα, ἐπενεγκαμένην μὲν τὴν μητέρα μου τάλαντον προῖκα, οὐ κομισάμενον δὲ τοῦτ' ἐμὲ ἐκ τῆς πατρῴας οὐσίας, ἐξαιρέτον δ' ἡμῖν γενομένην τὴν οἰκίαν εἰς ταῦτα, οὕτω κελεύετε καὶ τοῦτον ἐπιδεικνύναι ὑμῖν, ἢ ὡς οὐκ ἀληθῆ λέγω, ἢ ὡς οὐ προσήκει μοι κομίσασθαι τὴν προῖκα· περὶ
- 61 τούτων γὰρ ὑμεῖς νυνὶ τὴν ψῆφον οἴσετε. ἐὰν δὲ μὴ ἔχων περὶ ὧν φεύγει τὴν δίκην μήτε μάρτυρας ἀξιόχρεως παρασχέσθαι μήτ' ἄλλο πιστὸν μηδέν, ἑτέρους παρεμβάλλη λόγους κακουργῶν, καὶ βοᾷ καὶ σχετλιάζῃ μηδέν πρὸς τὸ πρᾶγμα, πρὸς Διὸς καὶ θεῶν μὴ ἐπιτρέπετε αὐτῷ, ἀλλὰ βοηθεῖτέ μοι

<sup>a</sup> The *deus ex machina* of the tragic stage.



the case with Crito. And furthermore, out of all 59  
your number, men of the jury, out of all the host of  
the rest of the Athenians, not a single other person  
has testified that he was present at this sale ; Timoc-  
rates alone, like a god from the machine,<sup>a</sup> testified  
that my father gave a feast to Boeotus on the tenth  
day (and Timocrates is of the same age as the present  
defendant !). Timocrates declares that he has per-  
fect knowledge of all that is for the advantage of  
these men ; and now on his own sole authority he  
testifies that he was present with Crito when he  
bought the house from me. Who among you will  
believe this ? Not one, of course ; especially since  
I am not now suing about the house to determine  
whether Crito bought it or not, but about the  
marriage-portion which, seeing that my mother  
brought it with her, the laws declare that I should  
recover. Therefore, as I have proved to you by an 60  
abundance of testimony and of circumstantial evi-  
dence that my mother did bring a talent as her  
dowry ; that I have not recovered it from my father's  
estate ; and that the house was set apart by us to  
secure its payment ; so do you demand of Boeotus  
that he prove to you, either that I am not speaking  
the truth, or that it is not right that I should recover  
the marriage-portion ; for these are the questions  
regarding which you are now going to cast your  
votes. But if, having no trustworthy witnesses, nor 61  
any other proofs regarding the matters upon which  
he is being sued, he shall try unscrupulously to intro-  
duce irrelevant arguments, and if he indulges in out-  
cries and protestations which have nothing to do with  
the matter, I adjure you by Zeus and the Gods, do  
not tolerate it ; nay, render me the help that is my

## DEMOSTHENES

τὰ δίκαια, ἐξ ἀπάντων τῶν εἰρημένων ἐνθυμούμενοι, ὅτι πολὺ δικαιότερόν ἐστι τὴν τῆς ἐμῆς μητρὸς προῖκα τῇ ἐμῇ θυγατρὶ εἰς ἔκδοσιν ὑμᾶς ψηφίσασθαι, ἢ Πλαγγόνα καὶ τούτους πρὸς τοῖς ἄλλοις καὶ τὴν οἰκίαν τὴν εἰς τὴν προῖκα ἐξαίρετον γενομένην ἀφελέσθαι ἡμᾶς παρὰ πάντα τὰ δίκαια.

AGAINST BOEOTUS, II. 61

due, remembering in the light of all that I have urged that it is far more just that you should by your verdict give my mother's portion to my daughter for her dowry, than that Plangon and these men, in addition to all the rest that they have done, should, in utter defiance of justice, rob me also of my house, which was set apart to secure the payment of the marriage-portion.

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