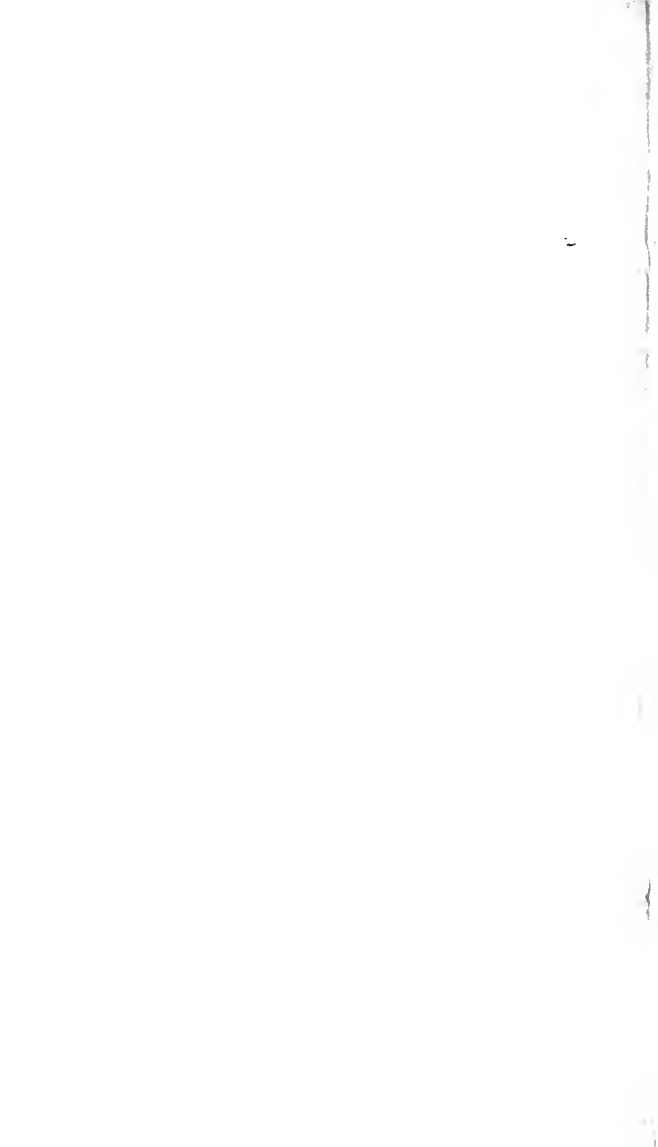




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DEMOSTHENES

PRIVATE ORATIONS

INCLUDING

IN NEAËRAM, PROOEMIA,

FRAGMENTS, ETC.

III



~~Demosthenes~~  
~~Five~~

# DEMOSTHENES

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## PRIVATE ORATIONS

IN FOUR VOLUMES

III

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ORATIONS L-LIX

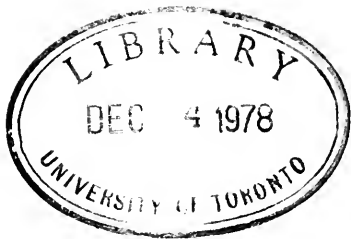
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## TABLE OF ATHENIAN MONEY

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

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

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

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

# AGAINST POLYCYCLES

VOL. III

B



## INTRODUCTION

APOLLODORUS sues Polycles for expenses incurred through having been compelled to act as trierarch beyond his proper term of service owing to the fact that Polycles, who had been appointed to relieve him, did not present himself to take over the ship until upwards of four months after the expiration of the plaintiff's term of service.

The plaintiff claims that he had fitted out the ship at great expense, had employed seamen at an unusually high rate of pay, and in short had left nothing undone to make his period of service as fruitful to the state as possible. It was therefore a great injustice in his view that through the dilatoriness of the man who should have relieved him he had been compelled to keep up this expenditure for so long a time after his term of service had expired.

As Apollodorus sailed with his ship in B.C. 362 (see § 3, end) and did not return to Athens until sometime in 360, this speech may with much probability be put in 359, when Polycles would also have returned.

The speech is discussed by Schaefer, iii. pp. 147 ff., and by Blass, iii. pp. 527 ff.

# ΔΗΜΟΣΘΕΝΟΥΣ

## L

### ΠΡΟΣ ΠΟΛΥΚΛΕΑ ΠΕΡΙ ΤΟΥ ΕΠΙΤΡΙΗΡΑΡΧΗΜΑΤΟΣ

[1206] Τοῖς τοιούτοις τῶν ἀγώνων, ὧ ἄνδρες δικασταί, καὶ τοὺς διαγνωσομένους προσήκει μάλιστα προσέχειν τὸν νοῦν. οὐ γὰρ ἐμὸς καὶ Πολυκλέους ἴδιός ἐστιν ὁ ἀγὼν μόνον, ἀλλὰ καὶ τῆς πόλεως κοινός. ὧν γὰρ τὰ μὲν ἐγκλήματα ἴδιά ἐστιν, αἱ δὲ βλάβαι κοιναί, πῶς οὐχ ὑπὲρ τούτων εἰκός ἐστιν ἀκούσαντας ὑμᾶς ὀρθῶς διαγῶναι; εἰ μὲν γὰρ περὶ ἄλλου τινὸς συμβολαίου ἐγὼ διαφερόμενος πρὸς Πολυκλέα εἰσήειν εἰς ὑμᾶς, ἐμὸς ἂν ἦν καὶ Πολυκλέους ὁ ἀγὼν· νῦν δὲ περὶ τε διαδοχῆς νεώς ἐστιν ὁ λόγος καὶ ἐπιτριηραρχήματος πέντε μηνῶν καὶ ἕξ ἡμερῶν ἀνηλωμένου, καὶ περὶ τῶν νόμων, πότερα κύριοί εἰσιν ἢ οὐ. ἀναγκαῖον δὴ μοι δοκεῖ εἶναι ἐξ ἀρχῆς ἅπαντα διηγῆσασθαι πρὸς ὑμᾶς. καὶ πρὸς θεῶν, ἄνδρες δικασταί, δέομαι ὑμῶν, μή με ἠγγήσησθε ἀδολεσχεῖν, ἐὰν διὰ μακροτέρων διηγῶμαι τὰ τε ἀναλώματα καὶ τὰς πράξεις, ὡς ἐν καιρῷ τε ἕκασται καὶ χρήσιμοι τῇ πόλει

# DEMOSTHENES

## L

### APOLLODORUS AGAINST POLYCLES FOR EXPENSES INCURRED WHILE SERVING AS TRIERARCH BEYOND THE APPOINTED TIME

IN suits of this nature, men of the jury, it is fitting that those who are to render a decision, as well as the litigants themselves, should give the closest attention. For the suit is not a private one concerning Polycles and myself alone, but it touches also the interests of the state as well. In cases where the charges indeed are of a private nature, but the injury is public, it is surely fitting that you should listen and decide aright. If I had come before you quarrelling with Polycles about a contract of some other sort, the contest would have concerned Polycles and myself alone; but as it is, the question concerns the succession to a ship, and extra trierarchal expenses for five months and six days, and it concerns also the laws, whether they are to be in force, or not. It seems to me, therefore, to be <sup>2</sup> necessary to explain all the facts to you from the beginning. And by the gods, men of the jury, I beg you not to think that I am talking idly, if I set forth at some length what I have expended and what I have done, to show that my several services were rendered

## DEMOSTHENES

- ἐδιακονήθησαν. εἰ μὲν γὰρ τις ἔχει με ἐπιδείξαι ὡς ψεύδομαι, ἀναστὰς ἐν τῷ ἔμῳ ὕδατι ἐξελεγξέτω, ὃ τι ἂν μὴ φῆ με ἀληθῆ λέγειν πρὸς ὑμᾶς· εἰ δ' ἐστὶν ἀληθῆ καὶ μηδεὶς ἂν μοι ἀντεῖποι ἄλλος ἢ οὗτος, δέομαι ὑμῶν ἀπάντων δικαίαν δέησιν·
- 3 [1207] ὅσοι μὲν τῶν στρατιωτῶν ἐστε καὶ παρῆτε ἐκεῖ, αὐτοὶ τε ἀναμνήσθητε καὶ τοῖς παρακαθημένοις φράζετε τὴν τ' ἐμὴν προθυμίαν καὶ τὰ συμβάντα ἐν τῷ τότε καιρῷ τῇ πόλει πράγματα καὶ τὰς ἀπορίας, ἵν' ἐκ τούτων εἰδῆτε ὁποῖός τις εἰμι περὶ ἃ ἂν προστάξητε ὑμεῖς· ὅσοι δ' αὐτοῦ ἐπεδημεῖτε, σιγῇ μου ἀκούσαι διηγουμένου ἅπαντα πρὸς ὑμᾶς, καὶ ἐπὶ τούτων ἐκάστω, οἷς ἂν λέγω, τοὺς τε νόμους παρεχομένου καὶ τὰ ψηφίσματα, τὰ τε τῆς βουλῆς καὶ τὰ τοῦ δήμου, καὶ τὰς μαρτυρίας.
- 4 Ἐβδόμη γὰρ φθίνοντος Μεταγειτνιῶνος μηνὸς ἐπὶ Μόλωνος ἄρχοντος, ἐκκλησίας γενομένης καὶ εἰσαγγελθέντων ὑμῖν πολλῶν καὶ μεγάλων πραγμάτων, ἐψηφίσασθε τὰς ναῦς καθέλκειν τοὺς τριηράρχους· ὧν καὶ ἐγὼ ἦν. καὶ τὸν μὲν καιρὸν τὸν συμβεβηκότα τῇ πόλει τότε οὐκ ἐμὲ δεῖ διεξελθεῖν, ἀλλ' ὑμᾶς αὐτοὺς ἀναμνησθῆναι, ὅτι Τήνος μὲν καταληφθεῖσα ὑπ' Ἀλεξάνδρου ἐξηνδραποδίσθη,
- 5 Μιλτοκύθης δ' ἀφειστήκει ἀπὸ Κότυος καὶ πρέσβεις ἐπεπόμφει περὶ συμμαχίας, βοηθεῖν κελεύων καὶ τὴν Χερρόνησον ἀποδιδούς, Προκοννήσιοι δὲ σύμ-

<sup>a</sup> Metageitnion corresponds to the latter half of August and the prior half of September.

<sup>b</sup> The archonship of Molon falls in 362 B.C.

<sup>c</sup> Tenos, one of the Cyclades islands in the Aegean Sea, had been captured by the fleet of Alexander of Pherae, who at this time was master of Thessaly.



## AGAINST POLYCLE, 2-5

opportunately, and that they were helpful to the state. If anyone is able to show that I am uttering falsehoods, let him get up in the time allotted to me and disprove whatever statement I may make to you which he holds to be false. But if my statements are true, and no one would contradict them save the defendant, I make of you all a request that is fair. All you who were in the army and were present in the 3 campaign, call to mind and tell to those who sit by you my own efforts and the troubles and distresses in which the state was involved at that crisis, in order that you may know from this evidence what manner of man I am in carrying out the orders you lay upon me. And all of you who stayed at home, listen to me in silence, while I set forth before you all the facts, and produce in support of every statement that I make the laws and decrees both of the senate and the people, and the testimony of witnesses.

On the twenty-fourth day of the month Metageit- 4 nion,<sup>a</sup> in the archonship of Molon,<sup>b</sup> when an assembly had been held and tidings of many serious events had been brought before you, you voted that the trierarchs (of whom I was one) should launch their ships. It is not necessary for me to go into details regarding the crisis which had at that time befallen the state; you of yourselves know that Tenos<sup>c</sup> had been seized by Alexander, and its people had been reduced to slavery; that Miltocythes<sup>d</sup> had revolted from Cotys, 5 and had sent ambassadors regarding an alliance, begging you to send troops to his aid, and offering to restore the Chersonesus; that the Proconnesians,<sup>e</sup>

<sup>a</sup> Miltocythes was a vassal of Cotys, king of the Odrysae in Thrace, a former friend, but now an enemy of Athens.

<sup>e</sup> Proconnesus, an island in the Propontis (Sea of Marmora).

## DEMOSTHENES

μαχοι ὄντες ἰκέτευον ὑμᾶς ἐν τῷ δήμῳ βοηθῆσαι, λέγοντες ὅτι ὑπὸ Κυζικηνῶν κατέχονται τῷ πολέμῳ καὶ κατὰ γῆν καὶ κατὰ θάλατταν, καὶ μὴ περιδεῖν  
 6 ἀπολομένους· ὧν ἀκούοντες ὑμεῖς τότε ἐν τῷ δήμῳ αὐτῶν τε λεγόντων καὶ τῶν συναγορευόντων αὐτοῖς, ἔτι δὲ τῶν ἐμπόρων καὶ τῶν ναυκλήρων περὶ ἕκπλουν ὄντων ἐκ τοῦ Πόντου, καὶ Βυζαντίων καὶ Καλχηδονίων καὶ Κυζικηνῶν καταγόντων τὰ  
 [1208] πλοῖα ἕνεκα τῆς ἰδίας χρείας τοῦ σίτου, καὶ ὀρώντες ἐν τῷ Πειραιεῖ τὸν σίτον ἐπιτιμώμενον καὶ οὐκ ὄντα ἄφθονον ὠνεῖσθαι, ἐψηφίσασθε τὰς τε ναῦς καθέλκειν τοὺς τριηράρχους καὶ παρακομίζειν ἐπὶ τὸ χῶμα, καὶ τοὺς βουλευτὰς καὶ τοὺς δημαρχοὺς καταλόγους ποιεῖσθαι τῶν δημοτῶν καὶ ἀποφέρειν ναύτας, καὶ διὰ τάχους τὸν ἀπόστολον ποιεῖσθαι καὶ βοηθεῖν ἕκασταχοῖ. καὶ ἐνίκησε τὸ Ἄριστοφῶντος ψήφισμα τουτί·

### ΨΗΦΙΣΜΑ

7 Τοῦ μὲν ψηφίσματος τοίνυν ἀκηκόατε, ὦ ἄνδρες δικασταί. ἐγὼ δ' ἐπειδὴ μοι οὐκ ἦλθον οἱ ναῦται οἱ καταλεγέντες ὑπὸ τῶν δημοτῶν, ἀλλ' ἢ ὀλίγοι καὶ οὗτοι ἀδύνατοι, τούτους μὲν ἀφήκα, ὑποθεῖς δὲ τὴν οὐσίαν τὴν ἐμαυτοῦ καὶ δανεισάμενος ἀργύριον, πρῶτος ἐπληρωσάμην τὴν ναῦν, μισθωσάμενος ναύτας ὡς οἷόν τ' ἦν ἀρίστους, δωρεῖās καὶ προδόσεις δούς ἐκάστῳ αὐτῶν μεγάλας. ἔτι δὲ σκεύεσιν ἰδίῳ τὴν ναῦν ἅπασι κατεσκεύασα, καὶ τῶν δημοσίων ἔλαβον οὐδέν, καὶ κόσμῳ ὡς οἷόν

<sup>a</sup> Cyzicus, a town on the southern shore of the Propontis.

your allies, were requesting you in the assembly to come to their aid, stating that the Cyzicenes <sup>a</sup> were pressing them hard in war by both land and sea, and imploring you not to look idly on while they perished. When you heard all these tidings at that time in the 6 assembly from both the speakers themselves and those who supported them; when furthermore the merchants and shipowners were about to sail out of the Pontus, and the Byzantines and Calchedonians <sup>b</sup> and Cyzicenes were forcing their ships to put in to their ports because of the scarcity of grain in their own countries; seeing also that the price of grain was advancing in the Peiraeus, and that there was not very much to be bought, you voted that the trierarchs should launch their ships and bring them up to the pier, and that the members of the senate and the demarchs should make out lists of the demesmen and reports of available seamen, and that the armament should be despatched at once, and aid sent to the various regions. And this decree, proposed by Aristophon, was passed, as follows :

THE DECREE

The decree, then, you have heard, men of the jury. 7 For my own part, when the sailors listed by the demesmen did not appear, save a very few, and these incompetent, I dismissed them; and having mortgaged my property and borrowed money, I was the first to man my ship, hiring the best sailors possible by giving to each man large bonuses and advance payments. More than that, I furnished the ship with equipment wholly my own, taking nothing from the public stores,

<sup>b</sup> Calchedon, a town across the Bosphorus from Byzantium.

## DEMOSTHENES

- τ' ἦν κάλλιστα καὶ διαπρεπέστατα τῶν τριηράρχων. ὑπηρεσίαν τοίνυν ἦν ἐδυνάμην κρατίστην ἐμισθω-
- 8 σάμην. οὐ μόνον τοίνυν, ὦ ἄνδρες δικασταί, τὰ κατὰ τὴν τριηραρχίαν ἀνήλυσκον τότε οὕτω πολυτελεῖ ὄντα, ἀλλὰ καὶ τῶν χρημάτων ὧν εἰς τὸν ἔκπλουν ἐψηφίσασθε εἰσενεχθῆναι μέρος οὐκ ἐλάχιστον ἐγὼ ὑμῖν προεισήνεγκα. δόξαν γὰρ ὑμῖν ὑπὲρ τῶν δημοτῶν τοὺς βουλευτὰς ἀπενευκεῖν τοὺς προεισοίσοντας τῶν τε δημοτῶν καὶ τῶν ἐγκεκτημένων, προσαπηνέχθη μου τοῦνομα ἐν τριττοῖς
- 9 δῆμοις, διὰ τὸ φανερὰν εἶναί μου τὴν οὐσίαν. καὶ [1209] τούτων ἐγὼ, οὐδεμίαν πρόφασιν ποιησάμενος, οὐδ' ὅτι τριηραρχῶ καὶ οὐκ ἂν δυναίμην δύο λητουργίας λητουργεῖν οὐδὲ οἱ νόμοι ἐῶσιν, ἔθηκα τὰς προεισφοράς πρῶτος. καὶ οὐκ εἰσεπραξάμην, διὰ τὸ τότε μὲν ἀποδημεῖν ὑπὲρ ὑμῶν τριηραρχῶν, ὕστερον δὲ καταπλεύσας καταλαβεῖν τὰ μὲν εὐπορα ὑφ' ἐτέρων προεξειλεγμένα, τὰ δ' ἄπορα ὑπόλοιπα.
- 10 Καὶ ταῦτα ὅτι ἀληθῆ λέγω πρὸς ὑμᾶς, τούτων ὑμῖν ἀναγνώσεται τὰς μαρτυρίας τῶν τε τὰ στρατιωτικὰ τότε εἰσπραττόντων καὶ τῶν ἀποστολέων, καὶ τοὺς μισθοὺς οὓς ταῖς ὑπηρεσίαις καὶ τοῖς ἐπιβάταις κατὰ μῆνα ἐδίδουν, παρὰ τῶν στρατηγῶν σιτηρέσιον μόνον λαμβάνων, πλὴν δυοῖν μηνοῖν μόνον μισθὸν ἐν πέντε μηνσὶ καὶ ἐνιαυτῶ, καὶ τοὺς ναύτας τοὺς μισθωθέντας, καὶ ὅσον ἕκαστος ἔλαβεν

## AGAINST POLYCLES, 7-10

and I made everything as beautiful and magnificent as possible, outdoing all the other trierarchs. As for rowers, I hired the best that could be had. And not only did I defray the trierarchal expenses, which at that time were so very heavy, but I also paid in advance no small part of the taxes which you had ordered to be collected for the cost of the expedition. For when you had voted that the members of the senate on behalf of the demesmen should report the names of those who were to pay taxes in advance, both of those who were members of the demes and those who owned property in them, my name was reported from three demes, as my property was in land. Of these I was the first to pay my taxes in advance, nor did I seek to get myself excused either on the ground that I was serving as trierarch and could not defray the costs of two public services at once, or that the laws did not permit such a thing. And I have never recovered the money which I advanced, because at the time I was abroad in your service as trierarch, and afterwards, when I returned, I found that the money from those who had resources had already been gathered in by others, and that those who were left had nothing.

To prove that I am stating the truth to you in this, the clerk shall read you the depositions covering these matters, those of the persons who at that time collected the military supplies and of the despatching board; also the record of the pay which I gave out every month to the rowers and the marines, receiving from the generals subsistence-money alone, except pay for two months only in a period of a year and five months; also a list of the sailors who were hired, and how much money each of them received; to the end

## DEMOSTHENES

ἀργύριον, ἵν' ἐκ τούτων εἰδῆτε τὴν ἐμὴν προθυμίαν, καὶ οὗτος διότι παραλαβεῖν παρ' ἐμοῦ τὴν ναῦν οὐκ ἤθελεν, ἐπειδὴ μοι ὁ χρόνος ἐξῆλθε τῆς τριηραρχίας.

### ΜΑΡΤΥΡΙΑΙ

- 11 "Οτι μὲν τοίνυν οὐ ψεύδομαι πρὸς ὑμᾶς περὶ ὧν εἶπον, ὧ ἄνδρες δικασταί, τῶν μαρτυριῶν ἀναγιγνωσκομένων ἀκηκόατε. ἔτι δὲ περὶ ὧν μέλλω λέγειν, ἅπαντές μοι ὁμολογήσετε ὅτι ἀληθῆ ἔστιν. τριήρους γὰρ ὁμολογεῖται κατάλυσις εἶναι, πρῶτον μὲν, ἔαν μὴ μισθὸν τις διδῶ, δεύτερον δέ, ἔαν εἰς τὸν Πειραιᾶ μεταξὺ καταπλεύσῃ· ἀπόλειψίς τε γὰρ πλείστη γίνεται, οἳ τε παραμένοντες τῶν ναυτῶν οὐκ ἐθέλουσι πάλιν ἐμβαίνειν, ἔαν μὴ τις αὐτοῖς ἕτερον ἀργύριον διδῶ, ὥστε τὰ οἰκεία διοικήσασθαι.
- [1210] ἃ ἐμοὶ ἀμφοτέρα συνέβη, ὧ ἄνδρες δικασταί, ὥστε
- 12 πολυτελεστέραν μοι γενέσθαι τὴν τριηραρχίαν. καὶ γὰρ μισθὸν οὐδένα ἔλαβον παρὰ τοῦ στρατηγοῦ ὀκτῶ μηνῶν, καὶ κατέπλευσα τοὺς πρέσβεις ἄγων διὰ τὸ ἄριστά μοι πλεῖν τὴν ναῦν, καὶ ἐνθὲνδε πάλιν, προσταχθέν μοι ὑπὸ τοῦ δήμου Μένωνα τὸν στρατηγὸν ἄγειν εἰς Ἑλλάσποντον ἀντὶ Αὐτοκλέους ἀποχειροτονηθέντος, ὠχόμεν ἀναγόμενος διὰ τάχους. καὶ ἀντὶ τῶν ἀπολιπόντων μὲν ναυτῶν ἑτέρους ἐμισθωσάμην ναύτας, δωρεῖας καὶ προδόσεις αὐτοῖς δοὺς μεγάλας, τοῖς δὲ παραμείνασι τῶν ἀρχαίων ναυτῶν ἔδωκά τι εἰς διοίκησιν τῶν
- 13 οἰκείων καταλιπεῖν πρὸς ᾧ πρότερον εἶχον, οὐκ ἀγνωῶν τὴν παροῦσαν χρείαν, ὡς ἀναγκαῖα ἦν ἐκάστω, ἀπορῶν δ' αὐτὸς ὡς μὰ τὸν Δία καὶ τὸν Ἀπόλλω οὐδεὶς ἂν πιστεύσειεν, ὅστις μὴ ἀληθῶς

## AGAINST POLYCLES, 10-13

that from this evidence you may know how generous I was and why the defendant was unwilling to take over the ship from me when the term of my trierarchy had expired.

### THE DEPOSITIONS

The proof, then, that I am uttering no falsehoods 11 in regard to the matters which I have mentioned, you have learned, men of the jury, from the reading of the depositions. But, further, you will all agree with me that what I am about to say is true. It is admitted that the usefulness of a ship is done away with, first, if the men are not paid, and secondly, if she put into the Peiraeus before her expedition is finished ; for in that case there is a great deal of desertion, and those of the sailors who remain are unwilling to embark again, unless additional money is given them for their household expenses. Both of these things happened to me, men of the jury, so that my trierarchy became the more costly. For I received no pay from the 12 general for the space of eight months, and I sailed home to Peiraeus with the ambassadors because my ship was the fastest sailer, and again, when I was ordered by the people to take Menon the general to the Hellespont to replace Autocles, who had been removed from his command, I set sail on short notice from Athens. In the place of the seamen who had deserted I hired others, giving them large bonuses and advance payments, and I gave to those of the original sailors who stayed with me something to leave behind for the maintenance of their households in addition to what they had before ; for I was well 13 aware of the need they felt, and how it pressed upon each one, and I was myself embarrassed for funds as, by Zeus and Apollo, no one could believe, who had not

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παρηκολούθηκε τοῖς ἐμοῖς πράγμασιν. ὑποθεῖς δὲ τὸ χωρίον Θρασυλόχῳ καὶ Ἀρχένεω, καὶ δανεισάμενος τριάκοντα μνᾶς παρ' αὐτῶν καὶ διαδοὺς τοῖς ναύταις, ὥχόμην ἀναγόμενος, ἵνα μηδὲν ἐλλείποι τῷ δήμῳ ὧν προσέταξε τὸ κατ' ἐμέ. καὶ ὁ δῆμος ἀκούσας ταῦτα ἐπήνεσέ τέ με, καὶ ἐπὶ δεῖπνον εἰς τὸ πρυτανεῖον ἐκάλεσεν.

Καὶ ὡς ταῦτ' ἀληθῆ λέγω, τούτων ὑμῖν ἀναγνώσεται τὴν μαρτυρίαν καὶ τὸ ψήφισμα τὸ τοῦ δήμου.

### ΜΑΡΤΥΡΙΑ. ΨΗΦΙΣΜΑ

- 14 Ἐπειδὴ τοίνυν εἰς Ἑλλάσποντον ἦλθομεν, καὶ ὁ τε χρόνος ἐξεληλύθει μοι τῆς τριηραρχίας, καὶ μισθὸς οὐκ ἀπεδόθη τοῖς στρατιώταις ἀλλ' ἢ δυοῖν μηνοῖν, ἕτερός τε στρατηγὸς ἦκε Τιμόμαχος, καὶ
- [1211] οὗτος διαδόχους οὐκ ἄγων ἐπὶ τὰς ναῦς, ἀθυμήσαντές μοι πολλοὶ τοῦ πληρώματος ὥχοντο ἀπολιπόντες τὴν ναῦν, οἱ μὲν εἰς τὴν ἠπειρον στρατευσόμενοι, οἱ δ' εἰς τὰς Θασίων καὶ Μαρωνιτῶν ναῦς, μισθῷ μεγάλῳ πεισθέντες καὶ ἀργύριον πολὺ
- 15 προλαβόντες, καὶ τὰ μὲν παρ' ἐμοῦ ἐξανηλωμένα ἤδη ὀρώντες, τὰ δὲ τῆς πόλεως ἀμελή, τὰ δὲ τῶν συμμάχων ἄπορα, τὰ δὲ τῶν στρατηγῶν ἄπιστα καὶ ὑπὸ πολλῶν αὐτῶν λόγῳ ἐξηπατημένοι, καὶ τὸν χρόνον ἐξήκοντα τῆς τριηραρχίας καὶ τὸν πλοῦν οὐκ ὄντα οἴκαδε, οὐδὲ διάδοχον ἦκοντα ἐπὶ τὴν ναῦν, παρ' οὗ ἂν τις ἠξίωσεν ὠφελῆθῆναι. ὅσῳ γὰρ φιλοτιμούμενος ἄμεινον ἐπληρωσάμην τὴν ναῦν ἐρετῶν ἀγαθῶν, τοσοῦτῳ μοι πλείστη

<sup>a</sup> Thasos, a large island in the northern Aegean.

<sup>b</sup> Maroneia, a town on the southern coast of Thrace.



## AGAINST POLYCLES, 13-15

accurately followed the course of my affairs. However, I mortgaged my farm to Thrasylochus and Archeneüs, and having borrowed thirty minae from them and distributed the money among the crew, I put to sea, that no part of the people's orders might fail to be carried out, as far as it depended on me. And the people, hearing of this, gave me a vote of thanks, and invited me to dine in the Prytaneum.

To prove that I am speaking the truth in this, the clerk shall read you the deposition dealing with these facts, and the decree of the people.

### THE DEPOSITION. THE DECREE

Then, when we came to the Hellespont, and the 14 term of my trierarchy had expired, and no pay had been given to the soldiers except for two months; when another general, Timomachus, had come—though even he brought to the fleet no new trierarchs to relieve those in service,—many of my crew became discouraged and went off, deserting the ship, some to the mainland to take military service, and some to the fleet of the Thasians <sup>a</sup> and Maronites,<sup>b</sup> won over by the promise of high pay and receiving substantial sums in advance. They saw also that my resources 15 were by now exhausted, that the state was neglectful of them, that our allies were in need, and the generals not to be depended on, and that they had been deceived by the words of many of them; and they knew that the term of my trierarchy had expired and that their voyage was not to be homeward; and that no successor had arrived to take command from whom they could expect any relief. For the more ambitious I had been to man my ship with good rowers, by so much was the desertion from me greater than

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- 16 ἀπόλειψις ἐγένετο τῶν ἄλλων τριηράρχων. τοῖς μὲν γὰρ ἄλλοις, εἰ μὴ τι ἄλλο, οἳ γ' ἐκ καταλόγου ἐλθόντες ἐπὶ τὴν ναῦν παρέμενον τηροῦντες τὴν οἴκαδε σωτηρίαν, ὁπότε αὐτοὺς ἀφήσει ὁ στρατηγός· οἱ δ' ἐμοὶ ναῦται πιστεύοντες αὐτοῖς ἐπὶ τῷ δύνασθαι ἐλαύνειν, ὅπου ἤμελλον ἀργύριον πάλιν πλείστον λήψεσθαι, ἐνταῦθ' ἀπῆσαν, ἡγούμενοι τὴν ἐν τῷ παρόντι εὐπορίαν κρείττω εἶναι αὐτοῖς τοῦ μέλλοντος φόβου, εἴ ποτε ληφθείησαν ὑπ' ἐμοῦ.
- 17 Τοιούτων τοίνυν μοι τῶν πραγμάτων συμβεβηκότων, καὶ τοῦ στρατηγοῦ ἅμα Τιμομάχου προστάξαντος πλεῖν ἐφ' Ἱερὸν ἐπὶ τὴν παραπομπὴν τοῦ σίτου, καὶ μισθὸν οὐ διδόντος, εἰσαγγελθέντων ὅτι Βυζάντιοι καὶ Καλχηδόνιοι πάλιν κατάγουσι τὰ πλοῖα καὶ ἀναγκάζουσι τὸν σῖτον ἐξαιρεῖσθαι, [1212] δανεισάμενος ἐγὼ ἀργύριον παρ' Ἀρχεδήμου μὲν τοῦ Ἀναφλυστίου πεντεκαίδεκα μνᾶς ἐπίτοκον, ὀκτακοσίας δὲ δραχμὰς παρὰ Νικίππου τοῦ ναυκλήρου ναυτικὸν ἀνειλόμην, ὃς ἔτυχεν ὦν ἐν Σηστῷ, ἐπόγδοον, σωθέντος δὲ τοῦ πλοίου Ἀθήναζε ἀπο-
- 18 δοῦναι αὐτὸ καὶ τοὺς τόκους, καὶ πέμψας Εὐκτήμονα τὸν πεντηκόνταρχον εἰς Λάμφακον, δούς αὐτῷ ἀργύριον καὶ γράμματα πρὸς τοὺς ξένους τοῦ πατρὸς τοῦ ἐμοῦ, ἐκέλευσά μοι αὐτὸν ναύτας μισθώσασθαι ὡς ἂν δύνηται ἀρίστους· αὐτὸς δ' ὑπομείνας ἐν Σηστῷ τοῖς τε παραμείνασι τῶν ἀρχαίων ναυτῶν ἔδωκά τι, ὅσον εἶχον, ἐπειδὴ μοι

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<sup>a</sup> Hieron was on the eastern shore of the Cimmerian Bosphorus (the strait between the Black Sea and the Sea of Azof).

## AGAINST POLYCLES, 16-18

from the other trierarchs. For the others had this 16  
 advantage at any rate, that the sailors who had come  
 to their ships drawn from the official lists, stayed with  
 them in order to make sure of their return home when  
 the general should discharge them ; whereas mine,  
 trusting in their skill as able rowers, went off wherever  
 they were likely to be re-employed at the highest  
 wages, thinking more of their gain for the immediate  
 present than of the danger impending over them, if  
 they should ever be caught by me.

Consequently when my affairs were in the condition 17  
 which I have described, and at the same time I was  
 ordered by the general, Timomachus, to sail to  
 Hieron <sup>a</sup> to convoy the grain, though he provided no  
 pay (word had been brought that the Byzantines and  
 the Calchedonians were again bringing the ships  
 into port and forcing them to unload their grain), I  
 borrowed money from Archidemus of Anaphlystus,<sup>b</sup>  
 fifteen minae at interest, and I secured from Nicippus,  
 the shipowner, who happened to be in Sestus,<sup>c</sup> eight  
 hundred drachmae, as a maritime loan at 12½ per  
 cent, on condition that I should pay him principal  
 and interest when the ship should get safely back  
 to Athens. Further, I sent Euctemon, the pente- 18  
 contarch,<sup>d</sup> to Lampsacus,<sup>e</sup> giving him money and  
 letters to friends of my father, and bade him hire for  
 me the best sailors he could. I myself stayed in  
 Sestus and gave some money—all I had—to the old  
 sailors who stayed with me, since the term of my

<sup>b</sup> Anaphlystus, a deme of the tribe Antiochis.

<sup>c</sup> Sestus, also a town on the Hellespont.

<sup>d</sup> The pentecontarch was properly an under-officer in  
 charge of a tier of fifty oarsmen.

<sup>e</sup> Lampsacus, a town on the Hellespont.

- ὁ χρόνος ἐξῆκε τῆς τριηραρχίας, καὶ ἑτέρους ναύτας ἐντελομισθοὺς προσέλαβον, ἐν ὧσιν ὁ στρατηγὸς τὸν ἀνάπλουον τὸν ἐφ' Ἱερὸν παρ-  
 19 εσκευάζετο. ἐπειδὴ δ' ὁ τε Εὐκτῆμων ἦκεν ἐκ τῆς Λαμψάκου ἄγων τοὺς ναύτας οὐς ἐμισθώσατο, καὶ ὁ στρατηγὸς παρήγγειλεν ἀνάγεσθαι, τῷ μὲν Εὐκτῆμονι ἀσθενῆσαι ἐξαίφνης συνέβη, καὶ πάνυ πονηρῶς διετέθη· τούτῳ μὲν οὖν ἀποδοὺς τὸν μισθὸν καὶ ἐφόδια προσθεὶς ἀπέπεμψε οἴκαδε· αὐτὸς δὲ πεντηκόνταρχον ἕτερον λαβὼν ἀνηγόμεν ἐπὶ τὴν παραπομπὴν τοῦ σίτου, καὶ ἐκεῖ περιέμεινα πέντε καὶ τετταράκοντα ἡμέρας, ἕως ὃ ἐκ-  
 20 πλους τῶν πλοίων τῶν μετ' ἀρκτοῦρον ἐκ τοῦ Πόντου ἐγένετο. ἀφικόμενος δ' εἰς Σηστόν, ἐγὼ μὲν ὦμην οἴκαδε καταπλεύσεσθαι, τοῦ τε χρόνου μοι ἐξήκοντος καὶ ἐπιτετριηραρχημένων ἤδη μοι δυοῖν μηνοῖν καὶ διαδόχου οὐχ ἦκοντος ἐπὶ τὴν ναῦν· ὁ δὲ στρατηγὸς Τιμόμαχος, ἀφικομένων ὡς  
 [1213] αὐτὸν πρέσβειων Μαρωνιτῶν καὶ δεομένων αὐτοῖς τὰ πλοῖα παραπέμψαι τὰ σιτηγὰ, προσέταξεν ἡμῖν τοῖς τριηράρχοις ἀναδησαμένοις τὰ πλοῖα ἔλκειν εἰς Μαρώνειαν, πλοῦν καὶ πολὺν καὶ πελάγιον.
- 21 Καὶ ταῦθ' ὑμῖν διὰ ταῦτα ἅπαντα διηγησάμεν ἐξ ἀρχῆς, ἵν' εἰδῆτε ὅσα ἀνηλωκῶς αὐτὸς καὶ ἡλικῆς μοι γεγεννημένης τῆς λητουργίας, ὕστερον ὅσα ἀναλώματα ὑπὲρ τούτου ἀνήλωσα ἐπιτριηραρχῶν, οὐχ ἦκοντος τούτου ἐπὶ τὴν ναῦν, καὶ κινδύνους ὅσους ἐκινδύνευσεν αὐτὸς πρὸς τε χειμῶνας καὶ πρὸς πολεμίους. μετὰ γὰρ τὴν παραπομπὴν τῶν πλοίων τὴν εἰς Μαρώνειαν καὶ τὴν ἄφιξιν τὴν εἰς Θάσον, ἀφικόμενος παρέπεμπε πάλιν ὁ Τιμόμαχος μετὰ τῶν Θασίων εἰς Στρώμην

trierarchy had expired, and I secured also some other sailors at full pay, while the general was making ready for his voyage to Hieron. But when Euctemon came back from Lampsacus, bringing the sailors whom he had hired, and the general gave the word for us to put to sea, it happened that Euctemon suddenly fell sick, and was in a very serious condition. I, therefore, gave him his pay, adding money for his journey, and sent him home; while I secured another pentcontarch and put out to sea to convoy the grain, and I stayed there forty-five days, until the vessels sailed out from Pontus after the rising of Arcturus.<sup>a</sup> When I arrived at Sestus, I expected to sail for home, as my term of service had expired, and I had already served two months beyond it and no successor had arrived to take over the ship. The general, Timomachus, however,—for an embassy from the Maronites had come to him, begging him to convoy their grain ships—ordered us trierarchs to make cables fast to the ships and tow them to Maroneia—a long voyage across the open sea.

I have told all these facts to you from the beginning, that you may know how much I have myself expended and how burdensome my service as trierarch has been to me, and all the expenses which I subsequently bore in the interest of the defendant by serving beyond my term, since he did not come to take over the ship, and all the dangers I myself incurred from storms and from the enemy. For after we had convoyed the ships to Maroneia, and had arrived at Thasos, Timomachus came and undertook again in conjunction with the Thasians to convoy grain and a

<sup>a</sup> The rising of Arcturus falls at the time of the autumnal equinox.

## DEMOSTHENES

- σίτον καὶ πελταστάς, ὡς παραληψόμενος αὐτὸς τὸ  
 22 χωρίον. παραταξαμένων δὲ Μαρωνιτῶν ἡμῖν ταῖς  
 ναυσὶν ὑπὲρ τοῦ χωρίου τούτου καὶ μελλόντων  
 ναυμαχήσειν, καὶ τῶν στρατιωτῶν ἀπειρηκότων,  
 πλοῦν πολὺν πεπλευκότων καὶ πλοῖα ἐλκόντων ἐκ  
 Θάσου εἰς Στρώμην, ἔτι δὲ χειμῶνος ὄντος καὶ τοῦ  
 χωρίου ἀλιμένου, καὶ ἐκβῆναι οὐκ ὄν οὐδὲ δειπνο-  
 ποιήσασθαι, πολεμίας τῆς χώρας οὔσης καὶ περι-  
 καθημένων κύκλω τὸ τεῖχος καὶ ξένων μισθοφόρων  
 καὶ βαρβάρων προσοίκων, ἀναγκαῖον ἦν ἐπ' ἀγ-  
 κύρας ἀποσαλεύειν τὴν νύκτα μετεώρους, ἀσίτους  
 καὶ ἀγρύπνους, φυλαττομένους μὴ τῆς νυκτὸς ἡμῖν  
 23 ἐπιθῶνται αἱ Μαρωνιτῶν τριήρεις. ἔτι δὲ συνέβη  
 τῆς νυκτὸς ὥρα ἔτους ὕδωρ καὶ βροντὰς καὶ  
 ἄνεμον μέγαν γενέσθαι (ὑπ' αὐτὰς γὰρ Πλειάδων  
 δύσεις οἱ χρόνοι οὗτοι ἦσαν), ἐξ ὧν τίνα οὐκ  
 [1214] οἶεσθε, ὦ ἄνδρες δικασταί, τοῖς στρατιώταις  
 ἀθυμίαν ἐμπεσεῖν; πόσῃν δέ μοι μετὰ ταῦτα  
 ἀπόλειψιν γενέσθαι πάλιν, τῶν ἀρχαίων ναυτῶν  
 τάλαιπωρουμένων μὲν πολλά, ὠφελουμένων δὲ  
 βραχέα, ὅσα ἐγὼ δυναίμην ἐκάστῳ δανειζόμενος  
 ἐπαρκέσαι πρὸς ᾧ πρότερον εἶχον παρ' ἐμοῦ, ἐπεὶ  
 ὁ γε στρατηγὸς οὐδὲ τὸ ἐφ' ἡμέραν αὐτοῖς τροφὴν  
 διαρκῆ ἐδίδου. καὶ ἤδη τρεῖς μῆνες ἐπετετριηράρ-  
 χηντό μοι, καὶ οὐδέπω οὗτος ἦκεν ἐπὶ τὴν ναῦν,  
 ἀλλ' ἐμισθοῦμην ναύτας ἀντὶ τῶν ἀπολιπόντων,  
 δανειζόμενος ἀργύριον.
- 24 Μόνῳ τοίνυν τούτῳ τῶν ἄλλων διαδόχων οὐκ  
 ἔστι πρόφασις ὑπολειπομένη, διότι οὐ πάλαι ἦκεν  
 ἐπὶ τὴν ναῦν. ὁ γὰρ Εὐκτῆμων ὁ πεντηκόνταρχος,

<sup>a</sup> Light-armed troops.

body of peltasts <sup>a</sup> to Strymê,<sup>b</sup> with the intention of taking the place himself. However, the Maronites <sup>22</sup> arrayed their ships against us in defence of the place, and offered battle, and our men were tired out with their long voyage and from towing the ships from Thasos to Strymê; besides, it was stormy, and the place offered no harbour, and it was impossible to go ashore and get a meal, for the country was hostile, and all around the wall bands of mercenaries and barbarians from the neighbourhood lay encamped; so we were forced to ride at anchor all night long in the open sea without food and without sleep, keeping watch lest the ships of the Maronites should attack us in the night. Nor was this all. It was our lot to have by <sup>23</sup> night rain and thunder and a violent wind at that season of the year (for the time was just at the setting of the Pleiades<sup>c</sup>); so can you not imagine, men of the jury, what despondency fell upon our men, and what an amount of desertion I had again to face after this? For the old sailors had borne many hardships and received but little compensation—merely what I was able to borrow and give to each man in addition to what they had had from me before, since the general did not supply enough even for their daily sustenance. By now I had served three months beyond my term, and the defendant had not yet come to take over the ship; but I borrowed money and hired sailors to replace those who had deserted.

The defendant alone of the trierarchs appointed to <sup>24</sup> succeed us has no excuse left him for not having come to take over the ship long before. For Euctemon,

<sup>b</sup> Strymê, a town on the southern coast of Thrace.

<sup>c</sup> Roughly the end of October, when the stormy season had set in.

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ὡς ἐκ τοῦ Ἑλλησπόντου ἀπεστάλη οἴκαδε ἀσθενή-  
 σας, ἐπειδὴ κατέπλευσε καὶ ἤκουσε τοῦτον ἐμοὶ  
 διάδοχον καθεστηκότα, εἰδὼς τὸν τε χρόνον  
 ἐξήκοντά μοι τῆς τριηραρχίας καὶ ἤδη ἐπιτριη-  
 ρχοῦντά με, παραλαβὼν Δεινίαν τὸν κηδεστὴν  
 τὸν ἐμὸν προσέρχεται αὐτῷ ἐν τῷ δείγματι, καὶ  
 ἐκέλευεν αὐτὸν ὡς τάχιστα ἐπὶ τὴν ναῦν ἀποπλεῖν,  
 ὡς τῶν ἀναλωμάτων πολλῶν ὄντων, ἃ καθ' ἡμέραν  
 ἐκάστην πρὸς τῷ παρὰ τοῦ στρατηγοῦ σιτηρεσίῳ  
 25 εἰς τὴν ναῦν διδομένῳ ἀνηλίσκετο, καθ' ἕκαστον  
 αὐτῷ διεξιῶν τοὺς τε μισθοὺς τοὺς τῇ ὑπηρεσίᾳ  
 καὶ τοῖς ἐπιβάταις κατὰ μῆνα διδομένους, τοῖς τε  
 ναύταις οὓς αὐτὸς ἐκ τῆς Λαμφιάκου ἐμισθώσατο,  
 καὶ τοῖς ὕστερον ἐπεμβάσιν ἀντὶ τῶν ἀπολιπόντων,  
 ἔτι δὲ ὁ τῶν ἀρχαίων ναυτῶν ἐκάστῳ προσέθηκα  
 δεηθέντι, ἐπειδὴ μοι ὁ χρόνος ἐξῆκε τῆς τριηραρ-  
 χίας, καὶ τᾶλλα ὅσα ἦν τὰ καθ' ἡμέραν ἐκάστην  
 ἀναλισκόμενα εἰς τὴν ναῦν, οὐκ ἀπείρως ἔχων·

[1215] διὰ γὰρ ἐκείνου πεντηκονταρχοῦντος καὶ ἡγοράζετο  
 26 καὶ ἀνηλίσκετο. καὶ περὶ τῶν σκευῶν ἔφραζεν  
 αὐτῷ, ὅτι ἴδια ἔχοιμι καὶ δημόσιον οὐδέν· ὡς οὖν,  
 ἔφη, ἢ πείσων ἐκείνον διανοοῦ, ἢ σκευὴ ἔχων  
 σαυτῷ ἀνάπλει. οἶμαι δέ σοι, ἔφη, αὐτὸν οὐδὲν  
 διοίσεσθαι· ὀφείλει γὰρ ἀργύριον ἐκεῖ, ὃ διαλυσαί  
 βουλήσεται ἐκ τῆς τιμῆς τῶν σκευῶν. ἀκούσας  
 δ' οὗτος ταῦτα τοῦ τ' Εὐκτῆμονος καὶ τοῦ Δεινίου  
 τοῦ κηδεστοῦ τοῦ ἐμοῦ, περὶ μὲν ὧν ἔλεγον αὐτῷ  
 οὐδὲν αὐτοῖς ἀποκρίνεται, γελάσαντα δ' ἔφασαν



the pentecontarch, after he was sent home from the Hellespont on account of his sickness, when he reached port and heard that Polycles had been appointed to relieve me, knowing that the term of my trierarchy had expired and that I was now serving over time, took with him my father-in-law, Deinias, and coming up to Polycles in the sample market, bade him set sail and take over the ship with all speed, telling him that the expenses which were incurred every day in addition to the provision money supplied by the general were very heavy. He told him in <sup>25</sup> detail of the pay given each month to the rowers and the marines, both to the sailors whom he had himself hired at Lampsacus and to those who came on board subsequently to replace those who had deserted, and also of the additional sums which I had given to each of the old sailors at their request after the term of my trierarchy had expired, and all the rest of the money expended upon the ship from day to day. With all these matters Euctemon was thoroughly acquainted, for it was through him as pentecontarch that all purchases and disbursements were made. He told <sup>26</sup> him, too, about the ship's equipment, that it was wholly my own, and that I had nothing from the public stores. "Therefore," he said, "plan to come to an agreement with him, or sail from here taking your own equipment with you. I think, however," he added, "that he will readily come to terms with you; for he owes money there, which he will be glad to pay from the price of the equipment." When the defendant heard these words from Euctemon and Deinias my father-in-law, he made no answer to them regarding the matters of which they spoke but, they said, he broke into a laugh, and said, "The mouse has just

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αὐτὸν εἰπεῖν “ ἄρτι μῦς πίττης γεύεται· ἐβούλετο  
 27 γὰρ Ἀθηναῖος εἶναι.” ἐπειδὴ τοίνυν τοῦ Εὐκτή-  
 μονος καὶ τοῦ Δεινίου ἀκούσας οὐδὲν ἐφρόντιζε,  
 πάλιν αὐτῷ προσέρχονται ὕστερον Πυθόδωρός τε  
 ὁ Ἀχαρνεὺς καὶ Ἀπολλόδωρος ὁ Λευκονοεὺς,  
 ἐπιτήδειοι ὄντες ἐμοὶ καὶ φίλοι, καὶ ἐκέλευον  
 αὐτὸν ἐπὶ τε τὴν ναῦν ἀπιέναι ὡς διάδοχον ὄντα,  
 καὶ περὶ τῶν σκευῶν ἔφραζον αὐτῷ, ὅτι ἴδια  
 28 ἔχοιμι ἅπαντα καὶ δημόσιον οὐδέν· “ εἰ μὲν οὖν  
 ἐκείνοις ἐθέλεις χρῆσθαι, κατάλιπε,” ἔφασαν, “ ἀρ-  
 γύριον αὐτοῦ, καὶ μὴ διακινδύνευε ἐκείσε ἄγων,”  
 ἵνα λύσωνταί μοι τὸ χωρίον, ἀποδόντες Ἀρχένεω  
 καὶ Θρασυλόχῳ τριάκοντα μνᾶς. περὶ δ’ ἀπο-  
 τριβῆς τῶν σκευῶν, ἤθελον αὐτῷ γράμματα  
 γράφειν, καὶ ἐγγυηταὶ αὐτοὶ γίγνεσθαι ὑπὲρ ἐμοῦ,  
 ἢ μὴν ἔσεσθαι αὐτῷ ὃ τι ἂν καὶ τοῖς ἄλλοις τριηρ-  
 ἀρχοῖς πρὸς τοὺς διαδόχους.

Ὡς οὖν πάντα ταῦτ’ ἀληθῆ λέγω, τούτων ὑμῖν  
 ἀναγνώσεται τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

29 Ἐκ πολλῶν τοίνυν τεκμηρίων οἶμαι ὑμῖν ἐπι-  
 δεῖξειν Πολυκλέα, ὅτι οὔτε αὐτόθεν διανοεῖτο  
 [1216] παραλαμβάνειν παρ’ ἐμοῦ τὴν ναῦν, οὔτ’, ἐπειδὴ  
 ὑφ’ ὑμῶν καὶ τοῦ ψηφίσματος τοῦ ὑμετέρου  
 ἠναγκάσθη ἐπὶ τὴν ναῦν ἀπιέναι, ἐλθὼν ἠθέλησέ  
 μοι διαδέξασθαι αὐτήν. οὗτος γὰρ ἐπειδὴ ἀφίκετο  
 εἰς Θάσον ἤδη μου τέταρτον μῆνα ἐπιτριηραρ-  
 χοῦντος, παραλαβὼν ἐγὼ μάρτυρας τῶν τε πολιτῶν  
 ὡς ἐδυνάμην πλείστους καὶ τοὺς ἐπιβάτας καὶ τὴν

<sup>a</sup> A familiar proverb of those who fall into difficulties through their own folly. See Theocritus xiv. 51. The second

## AGAINST POLYCLES, 26-29

tasted pitch<sup>a</sup>; for he wanted to be an Athenian." Well, when he paid no heed to what he heard 27 from Euctemon and Deinias, later on Pythodorus of Acharnae,<sup>b</sup> and Apollodorus of Leuconoë,<sup>c</sup> friends and connexions of mine, again approached him, and urged him to go and take over the ship, as he had been designated as my successor; and they told him about the equipment, that it was wholly my own, and that I had nothing from the public stores. "So, 28 if you want to make use of that," they said, "leave money here, and do not run the risk of carrying it abroad." For they wanted to redeem the farm for me by paying Archeneüs and Thrasylochus thirty minae. Regarding the wear and tear of the ship's equipment they were willing to draw up an agreement with him, and themselves to be sureties for me, that he would assuredly have the terms which the other trierarchs gave to their successors.

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

### THE DEPOSITIONS

There are many proofs from which I think I can 29 show you that Polycles neither at the first intended to take over the ship from me, nor, after he was forced by you and your decree to go and join the ship, was he willing to take it over as my successor. For after he arrived at Thasos, when I was serving for the fourth month after my term had expired, I took witnesses with me, as many of the citizens as I could clause fits the present situation: Pasion had sought Athenian citizenship: Apollodorus is now paying the price.

<sup>b</sup> Acharnae, a deme of the tribe Oeneis.

<sup>c</sup> Leuconoë, a deme of the tribe Leontis.

## DEMOSTHENES

ὑπηρεσίαν, προσέρχομαι αὐτῷ ἐν Θάσῳ ἐν τῇ  
 ἀγορᾷ, καὶ ἐκέλευον αὐτὸν τὴν τε ναῦν παραλαμ-  
 βάνειν παρ' ἐμοῦ ὡς διάδοχον ὄντα, καὶ τοῦ  
 ἐπιτετριηραρχημένου χρόνου ἀποδιδόναι μοι τὰνα-  
 30 λώματα. λογίσασθαι δ' ἤθελον αὐτῷ καθ' ἕκαστον,  
 ἕως μοι μάρτυρες παρήσαν τῶν ἀνηλωμένων οἳ  
 τε ναῦται καὶ οἱ ἐπιβάται καὶ ἡ ὑπηρεσία, ἵν' εἴ-  
 τι ἀντιλέγοι εὐθύς ἐξελέγχοιμι. οὕτω γάρ μοι  
 ἀκριβῶς ἐγέγραπτο, ὥστ' οὐ μόνον αὐτά μοι  
 τὰναλώματα ἐγέγραπτο, ἀλλὰ καὶ ὅποι ἀνηλώθη  
 καὶ τί ποιούντων, καὶ ἡ τιμὴ τίς ἦν καὶ νόμισμα  
 ποδαπὸν, καὶ ὁπόσου ἡ καταλλαγὴ ἦν τῷ ἀργυρίῳ,  
 ἵν' εἴη ἀκριβῶς ἐξελέγξαι με τῷ διαδόχῳ, εἴ τι  
 31 ἤγοιτο ψεῦδος αὐτῷ λογίζεσθαι. ἔτι δὲ καὶ πίστιν  
 αὐτῷ ἐπιθεῖς ἠθέλησα λογίσασθαι τὰ ἀνηλωμένα.  
 προκαλουμένου δέ μου ταῦτα, ἀπεκρίνατό μοι ὅτι  
 οὐδὲν αὐτῷ μέλοι ὧν λέγοιμι. ἐν δὲ τούτῳ  
 ὑπηρέτης ἦκων παρὰ τοῦ στρατηγοῦ ἐμοὶ παρήγ-  
 γελλεν ἀνάγεσθαι, οὐ τούτῳ τῷ διαδόχῳ, οὐ ἡ  
 λητουργία ἤδη ἐγίνετο· τούτου δὲ τὸ αἴτιον ἐγὼ  
 ὑμᾶς προϊόντος τοῦ λόγου διδάξω. τότε μὲν οὖν  
 32 μοι ἐδόκει ἀνάγεσθαι καὶ πλεῖν οἳ ἐκέλευεν· ἐπειδὴ  
 δὲ κατέπλευσα πάλιν εἰς Θάσον, ἐλκύσας τὰ πλοῖα  
 [1217] εἰς Στρώμην, οἳ προσέταξεν ὁ στρατηγός, κελεύσας  
 τοὺς ναύτας ἐν τῇ νηὶ μένειν καὶ τοὺς ἐπιβάτας  
 καὶ τὴν ὑπηρεσίαν, ἐκβὰς αὐτὸς πορεύομαι ἐπὶ  
 τὴν οἰκίαν οὗ κατήγετο Τιμόμαχος ὁ στρατηγός,  
 βουλόμενος κακείνου ἐναντίον παραδιδόναι τὴν  
 33 ναῦν Πολυκλεῖ τουτωὶ πλήρη. καταλαμβάνω οὖν  
 καὶ τοῦτον ἐκεῖ καὶ τοὺς τριηράρχους καὶ τοὺς

## AGAINST POLYCLES, 29-33

and the marines and rowers, and, coming up to him in the market-place at Thasos, I bade him take over the ship from me as my successor and repay me what I had expended since the expiration of my term. I 30 was ready to reckon it up item by item, while I had by me as witnesses to the expenditures the sailors and the marines and the rowers, in order that, if he disputed anything, I might refute him at once. Everything had been recorded so accurately by me, that I had written down not only the disbursements themselves, but also the objects for which the money had been spent, the nature of the service rendered, what the price was, in the coinage of what country the payment was made, and what the loss in exchange was, in order that I might be able to give convincing proof to my successor, if he thought any false entries were being made against him. And besides I was 31 ready to take an oath to confirm my reckoning. Upon my giving him this challenge, he answered that he had no interest in what I was saying. At this point a servant came from the general with orders for me to set sail. The order was given to me, not to the defendant, my successor, upon whom the duty was now devolving ; but the reason for this I will explain in the course of my address. For the time being it seemed to me best to weigh anchor and sail where he ordered me, but when I put into Thasos again, after 32 towing the vessels to Strymê as the general had ordered, bidding the sailors and the marines and the rowers to remain on board, I went by myself to the house where the general, Timomachus, lodged, wishing that he too should be present, when I offered the ship with her full crew to the defendant Polycles. I found the defendant there and the trierarchs and 33

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διαδόχους καὶ ἄλλους τινὰς τῶν πολιτῶν, καὶ εἰσελθὼν εὐθὺς ἐναντίον τοῦ στρατηγοῦ λόγους πρὸς αὐτὸν ἐποιούμην, καὶ ἤξιουν αὐτὸν τὴν τε ναῦν μοι παραλαμβάνειν, καὶ τοῦ ἐπιτετριηραρχημένου χρόνου ἀποδιδόναι μοι τὰναλώματα, καὶ περὶ τῶν σκευῶν ἡρώτων αὐτόν, πότερα παραλήψεται ἢ ἴδια σκευὴ ἔχων ἢκοι ἐπὶ τὴν ναῦν.

34 ταῦτα δέ μου προκαλουμένου αὐτόν, ἡρώτα με διότι σκευὴ τε ἴδια μόνος ἔχοιμι τῶν τριηράρχων, καὶ πότερα ἢ πόλις οὐκ εἰδείη τινὰς δυναμένους σκευὴ παρασχέιν ταῖς ναυσίν, ὥστε αὐτὴ μὴ παρέχειν. “ ἢ σὺ τοσοῦτον,” ἔφη, “ ὑπερπέπαικας πλούτῳ τοὺς ἄλλους, ὥστε καὶ σκευὴ ἴδια ἔχειν καὶ κόσμον χρυσόπαστον μόνος τῶν τριηρ-

35 ἀρχων; τίς ἂν οὖν δύναιτ’,” ἔφη, “ τὴν σὴν μανίαν καὶ πολυτέλειαν ὑπομείναι, διεφθαρμένον μὲν πλήρωμα καὶ εἰωθὸς ἀργύριον πολὺ προλαμβάνειν καὶ ἀτελείας ἄγειν τῶν νομιζομένων ἐν τῇ νηὶ λητουργιῶν καὶ λουῖσθαι ἐν βαλανείῳ, τρυφῶντας δ’ ἐπιβάτας καὶ ὑπηρεσίαν ὑπὸ μισθοῦ πολλοῦ καὶ ἐντελοῦς; κακῶν δ’,” ἔφη, “ διδάσκαλος γέγονας ἐν τῷ στρατεύματι, καὶ αἴτιος εἶ μέρος τι καὶ τοῖς ἄλλοις τριηράρχοις πονηροτέρους εἶναι τοὺς στρατιώτας, ζητοῦντας ταῦτα τοῖς παρὰ

[1218] σοί· ἔδει γὰρ σέ ταῦτα ποιεῖν τοῖς ἄλλοις τριηρ-  
36 ἀρχοις.” λέγοντος δ’ αὐτοῦ ταῦτα, ἀπεκρινάμην αὐτῷ ὅτι σκευὴ μὲν διὰ τοῦτο οὐ λάβοιμι ἐκ τοῦ νεωρίου, “ ὅτι σὺ ἀδόκιμα ἐποίησας αὐτά. ἀλλ’ εἰ μὲν βούλει, ταῦτα παράλαβε· εἰ δὲ μή, σκευὴ σαυτῷ παρασκεύαζε. περὶ δὲ τῶν ναυτῶν καὶ τῶν

## AGAINST POLYCLES, 33-36

those who were to succeed them, and some others of our citizens ; and on coming in I spoke at once to Polycles in the presence of the general, and called upon him to take over the ship from me, and to pay me for the disbursements made during the period since my term of service had expired ; and I asked him about the ship's equipment, whether he would take it over, or whether he had brought equipment of his own with him. When I thus challenged him, he 34 asked me why I was the only one of the trierarchs who had equipment of my own, and whether the state did not know that there were some people able to provide equipment for their ships, so that the state itself did not need to do it. "Or have you," he said, "so far surpassed the others in wealth as to be the only one of the trierarchs to have equipment of your own and gilded ornaments? Who," he continued, 35 "could endure your madness and extravagance, a crew corrupted and accustomed to receive large sums in advance and to enjoy exemption from services normally required on board a ship, and able also to make use of the baths, and marines and rowers rendered luxurious by high wages paid in full? Bad ways," he said, "are these you have taught the army. It is partly your fault that the troops of the other trierarchs have become more unruly, seeking to have the same treatment that yours enjoy ; you ought to have done the same as the other trierarchs." Upon his saying this, I an- 36 swered that the reason I had taken no equipment from the docks was because, "You," said I, "have brought the stores into bad repute. However, if you like, take this equipment of mine ; if not, provide equipment for yourself. As for the sailors and

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ἐπιβατῶν καὶ τῆς ὑπηρεσίας, εἰ φῆς ὑπ' ἐμοῦ αὐτοὺς διεφθάρθαι, παραλαβὼν τὴν τριήρη αὐτὸς σαυτῷ κατασκευάσαι καὶ ναύτας καὶ ἐπιβάτας καὶ ὑπηρεσίαν, οἷτινές σοι μηδὲν λαβόντες συμπλεύσονται. τὴν δὲ ναῦν παράλαβε· οὐ γὰρ ἔτι μοι προσήκει τριηραρχεῖν· ὃ τε γὰρ χρόνος ἐξήκει μοι τῆς τριηραρχίας, καὶ ἐπιτετριηράρχηκα τέτταρας 37 μῆνας.” λέγοντος δέ μου ταῦτα, ἀποκρίνεταιί μοι ὅτι ὁ συντριηραρχος αὐτῷ οὐχ ἦκοι ἐπὶ τὴν ναῦν· “ οὐκ οὖν παραλήψομαι μόνος τὴν τριήρη.”

Ὡς οὖν ἀληθῆ ταῦτα λέγω πρὸς ὑμᾶς, καὶ ἐν μὲν τῇ ἀγορᾷ ἀπεκρίνατό μοι τὰ πρότερον, ὅτι οὐδὲν αὐτῷ μέλοι ὧν λέγοιμι, ἐν δὲ τῇ οἰκίᾳ οὐ ὁ Τιμόμαχος κατήγετο, ὅτι μόνος οὐ παραλήψεται τὴν ναῦν, τούτων ὑμῖν ἀναγνώσεται τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

38 Μετὰ ταῦτα τοίνυν, ὦ ἄνδρες δικασταί, ὡς οὔτε οὗτος ἠθέλε' μοι τὴν ναῦν διαδέχεσθαι, οὔτε τὰναλώματ' ἀπεδίδου τοῦ ἐπιτετριηραρχημένου χρόνου, ὃ τε στρατηγὸς προσέταπτέ μοι ἀνάγεσθαι, προσελθὼν αὐτῷ ἐν Θάσῳ ἐν τῷ λιμένι ἐναντίον τοῦ στρατηγοῦ, πλήρους οὔσης τῆς τριήρους, ἔλεγον ἂ δίκαια μὲν οὐκ ἦν, ἀλλὰ πλεονεκτήματα 39  
[1219] σοι φῆς, ὦ Πολύκλεις, τὸν συντριηραρχον οὐχ ἦκειν, τοῦ μὲν ἐπιτετριηραρχημένου χρόνου ἐκείνον ἐγὼ πράξομαι τὰναλώματ', ἂν δύνωμαι, τῶν τεττάρων μηνῶν· σὺ δὲ παραλαβὼν τὴν ναῦν πρῶτον μὲν τὸν ὑπὲρ σεαυτοῦ χρόνον τριηράρχησον, τοὺς ἐξ μῆνας· ἔπειτ' εἰ μὲν σοι ἔλθῃ ἐν τούτῳ ὁ συν-  
30



## AGAINST POLYCLES, 36-39

marines and rowers, if you say that they have been corrupted by me, take over the ship, and get sailors and marines and rowers for yourself, who will sail with you without pay. But take over the ship, for it is not my place to serve any longer; the term of my trierarchy has expired, and I have served four months beyond it." When I said this to him, he 37 answered that his colleague in the trierarchy had not come to the ship. "So," said he, "I will not take over the ship alone."

To prove that I am telling you the truth in this, that in the market-place he made the answer mentioned above, that he cared nothing for what I was saying, and that in the house where Timomachus lodged he declared that he would not take over the ship alone—the clerk shall read you the depositions bearing on these facts.

### THE DEPOSITIONS

After this, men of the jury, when the defendant 38 would neither take over the ship from me nor pay the expenses for the period beyond my term, and the general ordered me to set sail, I approached him in the harbour in Thasos, and in the presence of the general, when the ship was fully manned, and made a proposal, which was not indeed fair, since the advantage was all on his side, but which was forced upon me by the circumstances. "Since you say, 39 Polycles, that your associate in the trierarchy has not come, I will get from him, if I can, the amount expended during my extra time of service, the four months; but do you take over the ship, and first serve as trierarch for your term, the six months; then, if your colleague shall have arrived in the

## DEMOSTHENES

τριήραρχος, ἐκείνῳ παραδώσεις λητουργήσας, ἐὰν δὲ μή, οὐδὲν δεινὸν πείσῃ δύο μῆνας ἐπιτριηραρχή-  
 40 σας. ἢ ἐγὼ μὲν ὁ τὸν τε ὑπὲρ ἑμαυτοῦ χρόνον καὶ τοῦ συντριηράρχου λελητουργηκῶς ἐπιτριηράρχησα ὑπὲρ ὑμῶν, σὺ δ' οὐδὲν ἀνηλωκῶς οὐκ ἀξιοῖς οὐδὲ τὸν ὑπὲρ σεαυτοῦ χρόνον, παραλαβὼν τὴν ναῦν, λητουργῆσαι, οὐδὲ τὰναλώματ' ἀποδοῦναι;" λέγοντος δέ μου ταῦτα, ἀπεκρίνατό μοι ὅτι μύθους λέγοιμι. ὁ δὲ στρατηγὸς ἐμβαίνειν με ἐκέλευεν εἰς τὴν ναῦν καὶ ἀνάγεσθαι μεθ' ἑαυτοῦ.

Ὡς οὖν ταῦτ' ἀπεκρίνατο, ἀνάγνωθί μοι τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

41 Βούλομαι δ' ὑμῖν καὶ τεκμήριόν τι εἰπεῖν, ἵν' εἰδῆθ' ὅτι περιφανῶς ἠδίκημαι. Ἄγνία γὰρ καὶ Πραξικλεῖ ὑπὸ τὸν αὐτὸν χρόνον κατέστησαν διάδοχοι Μνησίλοχός τε ὁ Περιθοΐδης καὶ Φραση-  
 ρίδης ὁ Ἀναφλύστιος. οὐκ ἀφικνουμένου δὲ τοῦ Φρασηρίδου ἐπὶ τὴν ναῦν, ὁ Μνησίλοχος ἐλθὼν εἰς τὴν Θάσον παρέλαβέ τε παρὰ τοῦ Ἄγνιου τὴν  
 42 τριήρη, καὶ τὸ ἐπιτριηράρχημα ἀπέδωκε τῷ Ἄγνιᾳ τοῦ χρόνου οὗ ἐπανήλωσεν ὑπὲρ αὐτῶν, ὅσον ἔπεισε, καὶ τὰ σκεύη παρὰ τοῦ Ἄγνιου ἐμισθώσατο, καὶ αὐτὸς ἐτριηράρχει. ὕστερον δ' οἱ παρὰ τοῦ Φρασηρίδου ἐλθόντες τῶν τε ἀν-  
 [1220] ἠλωμένων τὸ μέρος ἀπέδοσαν τῷ Μνησιλόχῳ, καὶ τοῦ λοιποῦ χρόνου ὅσα ἐδεῖτο εἰς τὴν ναῦν συναν-  
 ἤλισκον.

Καί μοι τούτων ἀνάγνωθι τὴν μαρτυρίαν.

<sup>a</sup> Perithoidae, a deme of the tribe Oeneis.

<sup>b</sup> Possibly the same as the friend of Timotheus mentioned in Oration XLIX.

interim, you will give over the ship, having fulfilled your term of service ; and, if he does not come, you will suffer no great harm in serving two months beyond your term. Or, am I, who have served for my own 40 term and that of my colleague, to have performed extra service as trierarch for you and your associate, and are you, who have incurred no expense, to refuse either to take over the ship and serve your own term, or to reimburse me for the expenses I have borne ? ” When I said this, he answered that I was romancing. Then the general ordered me to go on board my ship and put to sea with him.

To prove that he did give me this answer, (*to the clerk*) please read the deposition.

THE DEPOSITION

I wish now to mention a matter to you, to the end 41 that you may understand how flagrantly I have been wronged. For about the same time Mnesilochus of Perithoidae <sup>a</sup> and Phrasierides <sup>b</sup> of Anaphlystus were appointed to succeed Hagnias and Praxicles. But, since Phrasierides did not arrive to join the ship, Mnesilochus went to Thasos and took over the trireme from Hagnias, and paid to Hagnias what the 42 latter convinced him was due for the expenses he had incurred on their behalf while serving as trierarch beyond his time, and hired from Hagnias the ship's equipment, and assumed himself the duties of trierarch. Afterwards, when the men from Phrasierides came, they paid his share of the expenses to Mnesilochus, and for the remainder of the term joined in meeting whatever expenditures he required for the ship.

(*To the clerk.*) Read, please, the deposition establishing these facts.

# DEMOSTHENES

## ΜΑΡΤΥΡΙΑ

- 43 Ἴσως οὖν, ὦ ἄνδρες δικασταί, ποθεῖτε ἀκοῦσαι, διὰ τί ποτε ὁ στρατηγὸς οὐκ ἠνάγκαζε τοῦτον παραλαμβάνειν τὴν ναῦν, διάδοχον ἦκοντα ἐπ' αὐτήν, τῶν νόμων οὕτως ἰσχυρῶν ὄντων. περὶ δὴ τούτων βούλομαι ὑμᾶς σαφῶς διδάξαι τὸ αἴτιον. Τιμόμαχος γάρ, ὦ ἄνδρες δικασταί, πρῶτον μὲν ἐβούλετο εὖ κατεσκευασμένη τῇ τριήρει πρὸς
- 44 ἅπαντα χρῆσθαι. ἦδεν οὖν ὅτι οὗτος μὲν παραλαβὼν αὐτήν κακῶς ἔμελλε τριηραρχήσειν· οὔτε γὰρ τῷ τριηραρχήματι οὔτε τοῖς ἐπιβάταις καὶ τῇ ὑπηρεσίᾳ χρήσιτο· οὐδεὶς γὰρ αὐτῷ παραμενοί. ἔτι δὲ πρὸς τούτοις, ὁπότε μὴ διδοὺς ἀργύριον προστάττοι πλεῖν, οὐκ ἔμελλεν αὐτῷ ἀνάξεσθαι ὥσπερ ἐγώ, ἀλλὰ πράγματα παρέξειν. πρὸς δὲ τούτῳ δανείζεται παρ' αὐτοῦ τριάκοντα μνᾶς, ὥστε
- 45 μὴ ἀναγκάσαι παραλαβεῖν τὴν ναῦν. ἐξ ὧν δὲ μάλιστα μοι ὀργισθεῖς ἐπηρέαζε καὶ οὐδὲ λόγον ἐκάστοτε ἐδίδου οὐδὲ περὶ ἐνός, βούλομαι ὑμῖν σαφῶς διηγήσασθαι, ἵν' εἰδῆτε ὅτι οὐ περὶ πλείονος ἐποιοῦμένην οὔτε τὴν ἑμαυτοῦ ῥαστώνην ἐν ἐκείνῳ τῷ χρόνῳ οὔτε τὴν ἐκείνου ῥώμην τοῦ δήμου τοῦ Ἀθηναίων καὶ τῶν νόμων, ἀλλ' ἠνειχόμεν καὶ ἔργῳ ἀδικούμενος καὶ λόγῳ προπηλακιζόμενος, ἅ
- 46 πολλῶ μοι βαρύτερα ἦν τῶν ἀναλωμάτων. ὡς γὰρ ἐν Θάσῳ διατριβαὶ τοῦ ναυτικοῦ ἐγίγνοντο, ἀφικνεῖται ἐκ Μεθώνης τῆς Μακεδονίας ὑπηρετικὸν
- [1221] εἰς Θάσον ἄγον ἄνδρα καὶ ἐπιστολὰς παρὰ Καλλιστράτου ὡς Τιμόμαχον, ἐν αἷς ἦν, ὡς ὕστερον ἐγὼ ταῦτ' ἐπυθόμην, ἀποπέμψαι αὐτῷ τριήρη τὴν ἄριστα πλέουσιν, ἵν' ἀφίκηται ὡς αὐτόν. εὐθύς

## AGAINST POLYCLES, 43-46

### THE DEPOSITION

Perhaps, now, men of the jury, you want to hear 43  
for what possible reason the general failed to compel  
the defendant to take over the ship, when he came  
to it as my successor, the laws on the matter being  
so strict. In regard to this I wish to show you clearly  
why it was. For Timomachus, men of the jury,  
wished above all things to have the trireme well  
equipped for every service. He knew, however, that 44  
the defendant, if he took over the ship, would manage  
wretchedly as trierarch; that he would get service  
neither from the crew nor the marines nor the rowers,  
for not one of them would stay with him. Besides, he  
knew that, if he ordered him to sail without giving  
him money, he would not put out to sea at his bid-  
ding, as I should do, but would make trouble. And in  
addition to this he borrowed from him thirty minae  
on the understanding that he would not force him  
to take over the ship. But why it was that he was 45  
especially incensed against me and treated me  
despitefully, and would never on any occasion listen  
to a word from me regarding any matter, I wish to  
show you clearly, that you may understand that I  
cared less at that time for my own comfort or for the  
general's power than for the people of Athens and the  
laws, and that I endured ill-treatment and abuse,  
which were far more grievous to me than the ex-  
penses I incurred. For, while the fleet was lying 46  
at Thasos, a despatch-boat came from Methonê in  
Macedonia to Thasos, bringing a man with letters  
from Callistratus to Timomachus, which, as I after-  
ward learned, contained a request that he should  
send the swiftest-sailing ship he had to bring Cal-  
listratus to him. At once, then, at daybreak the next

DEMOSTHENES

οὖν τῇ ὑστεραία ἄμα τῇ ἡμέρᾳ ὁ ὑπηρέτης ἔλθων  
 47 ἐκέλευσέ με καλεῖν εἰς τὴν ναῦν τοὺς ναύτας. ἐπεὶ  
 δὲ πλήρης ἦν, ἀναβαίνει Κάλλιππος ὁ Φίλωνος ὁ  
 Αἰξωνεύς, καὶ φράζει πρὸς τὸν κυβερνήτην τὸν ἐπὶ  
 Μακεδονίας πλοῦν πλεῖν. ἐπειδὴ δ' ἀφικόμεθα εἰς  
 χωρίον τι ἐν τῇ ἀπαντικρὺ ἠπειρῶ, Θασίων ἐμ-  
 πόριον, καὶ ἐκβάντες ἠριστοποιούμεθα, προσέρ-  
 χεται μοι τῶν ναυτῶν Καλλικλῆς Ἐπιτρέφους  
 Θριάσιος, λέγων ὅτι βούλοιτό μοι διαλεχθῆναι ἐμόν  
 τι πρᾶγμα. κελύσαντος δέ μου, λέγει ὅτι βούλοιτό  
 μοι χάριν ἀποδοῦναι καθ' ὃ τι δύναται ὦν αὐτῷ  
 48 ἀπορηθέντι ἔδωκα. “σὺ οὖν,” ἔφη, “τὸν πλοῦν  
 τοῦτον οἶσθα ἐφ' ὃ τι πλεῖς ἢ ποῖ;” ἀποκρινα-  
 μένου δέ μου ὅτι οὐκ εἰδείην, “ἀλλ' ἐγὼ σοι,” ἔφη,  
 “ἐρῶ· δεῖ γάρ σε ἀκούσαντα ὀρθῶς βουλευσασθαι.  
 μέλλεις γάρ,” ἔφη, “ἄγειν ἄνδρα φυγάδα, οὗ  
 Ἀθηναῖοι θάνατον δις κατεψηφίσαντο, Καλλί-  
 στρατον ἐκ Μεθώνης εἰς Θάσον ὡς Τιμόμαχον τὸν  
 κηδεστήν, ὡς ἐγώ,” ἔφη, “πέπυσμαι τῶν παίδων  
 τῶν Καλλίππου. σὺ οὖν, εἰς σωφρονῆς, οὐδένα  
 τῶν φευγόντων ἐάσεις ἐπὶ τὴν ναῦν ἀναβαίνειν· οὐ  
 49 γὰρ ἐῷσιν οἱ νόμοι.” ἀκούσας δ' ἐγὼ ταῦτα τοῦ  
 Καλλικλέους προσέρχομαι τῷ Καλλίππῳ, καὶ  
 ἐρωτῶ αὐτὸν ὅποι τε τὸν πλοῦν ποιεῖται καὶ ἐπὶ  
 τίνα. διαχλευάσαντος δ' αὐτοῦ με καὶ ἀπειλή-  
 σαντος ἂ οὐδ' ἂν ὑμεῖς ἀγνοήσατε (τοῦ γὰρ  
 τρόπου τοῦ Καλλίππου οὐκ ἀπείρως ἔχετε), λέγω  
 [1222] αὐτῷ ὅτι “ἀκούω σε πλεῖν ἐπὶ Καλλίστρατον. ἐγὼ  
 οὖν τῶν φευγόντων οὐδένα ἄξω, οὐδὲ πλεύσομαι  
 ἐπ' αὐτόν· οἱ γὰρ νόμοι οὐκ ἐῷσιν ὑποδέχεσθαι

## AGAINST POLYCLES, 46-49

morning, the officer from the general came and ordered me to summon my crew to the ship. When it 47 was manned, Callippus, the son of Philon, of Aexonê,<sup>a</sup> came on board, and ordered the pilot to steer the course for Macedonia. When we had reached a place on the opposite mainland, a trading post of the Thasians, and had gone ashore and were getting our dinner, one of the sailors, Callicles, the son of Épitrephes, of Thria,<sup>b</sup> came up to me, and said that he wished to speak to me about a matter which concerned myself. I bade him speak on, and he said that he wanted to make what return he could for the help I had given him in his need. "Do you know, then," he asked, 48 "for what purpose you are making this voyage, and where you are going?" When I replied that I did not know, he said, "Then I will tell you; for you must learn this in order to plan your action aright. You are going," said he, "to bring Callistratus, an exile whom the Athenians have twice condemned to death, from Methonê to Thasos to Timomachus, his kinsman by marriage. I have found this out," he said, "from the servants of Callippus. For your own part, then, if you are wise, you will not permit any exile to come on board the ship; for the laws forbid it." On hearing this from Callicles, I approached 49 Callippus, and asked him to what place he was sailing, and whom he was going to fetch. He spoke roughly to me and threatened me in a way you can easily understand (for you are not without experience of the ways of Callippus), and I said to him, "I hear that you are sailing to fetch Callistratus. Now, I will transport no exile, nor will I go to fetch him;

<sup>a</sup> Aexonê, a deme of the tribe Cecropis.

<sup>b</sup> Thria, a deme of the tribe Oeneïs.

τῶν φευγόντων οὐδένα, ἢ ἐν τοῖς αὐτοῖς κελεύουσιν ἐνέχεσθαι τὸν ὑποδεχόμενον τοὺς φεύγοντας. ἀποπλεύσομαι οὖν πάλιν ὡς τὸν στρατηγὸν εἰς Θάσον.”

50 καὶ ἐπειδὴ ἐνέβησαν οἱ ναῦται, λέγω τῷ κυβερνήτῃ ἀποπλεῖν εἰς τὴν Θάσον. ἀντιλέγοντος δὲ τοῦ Καλλίππου καὶ κελεύοντος πλεῖν εἰς τὴν Μακεδονίαν, οἱ προσέταξεν ὁ στρατηγός, ἀποκρίνεται αὐτῷ Ποσειδίππος ὁ κυβερνήτης, ὅτι τριήραρχός τε ἐγὼ τῆς νεῶς εἶην καὶ ὑπεύθυνος, καὶ τὸν μισθὸν παρ’ ἐμοῦ λαμβάνοι· πλεύσοιτο οὖν οἱ ἐγὼ

51 κελεύω, εἰς Θάσον ὡς τὸν στρατηγόν. ἀφικομένων δ’ ἡμῶν τῇ ὑστεραίᾳ εἰς τὴν Θάσον, μεταπέμπεται με ὁ Τιμόμαχος, οὗ κατήγετο ἕξω τείχους. φοβούμενος δ’ ἐγὼ μὴ δεθείην διαβληθεὶς ὑπὸ τοῦ Καλλίππου, αὐτὸς μὲν οὐχ ὑπακούω, ἀλλὰ λέγω τῷ ὑπηρέτῃ ὅτι εἴ τι βούλοιτό μοι διαλέγεσθαι, ἐν τῇ ἀγορᾷ ἔσομαι, τὸν δὲ παῖδα συμπέμπω αὐτῷ, ἵν’ εἴ τί μοι προστάττοι,

52 ἀκούσας ἀπαγγεῖλαι μοι. διὰ μὲν ταύτας τὰς αἰτίας, ὧ ἄνδρες δικασταί, ἃς εἶρηκα πρὸς ὑμᾶς, ὁ Τιμόμαχος οὐκ ἠνάγκαζε παραλαμβάνειν τοῦτον τὴν ναῦν, ἔτι δὲ καὶ βουλόμενος αὐτὸς χρῆσθαι τῇ νηὶ ὡς ἄριστα πλεούσῃ. τὴν μὲν γὰρ Θρασυλόχου τοῦ Ἀναγυρασίου τριήρη, ἐφ’ ἧς αὐτὸς ἔπλει, τὸν Θρασύλοχον τῷ Καλλίππῳ μισθῶσαι τὴν τριηραρχίαν ἔπεισεν, ἵν’ αὐτοκράτωρ ὢν ὁ Κάλλιππος τῆς νεῶς περιάγοι τὸν Καλλίστρατον· αὐτὸς δ’ ἀναβὰς ἐπὶ τὴν ἐμὴν ναῦν περιέπλει πανταχοῖ, ἕως ἀφίκετο εἰς Ἑλλάσποντον.

53 [1223] Ἐπειδὴ δ’ οὐκέτι χρεῖα ἦν αὐτῷ τριήρων, ἐμ-



for the laws forbid anyone to give harbourage to any exile, and make one who does so liable to the same punishment. I shall, therefore, sail back to the general in Thasos." So, when the sailors came on board, I ordered the pilot to sail back to Thasos. Callippus protested, and bade him sail for Macedonia in accordance with the general's commands; but Posidippus, the pilot, answered him that I was trierarch of the ship, and the one responsible, and that he got his pay from me; he would sail, therefore, whither I bade him sail—to Thasos, to the general. When we reached Thasos the next day, Timomachus sent for me to come to the place where he lodged outside the wall. I was afraid that he would put me under arrest on false charges preferred by Callippus, so did not obey the summons in person, but told the officer that, if he had anything to say to me, I should be in the market-place; and I sent my servant with him, in order that, if the general had any orders to give he might hear and report to me. It was for this reason, which I have stated to you, men of the jury, that Timomachus did not force the defendant to take over the ship, and besides, he wanted the use of the ship for himself, as she was the best sailer. As for the trireme of Thrasylochus of Anagyrus,<sup>a</sup> on board which he was himself sailing, he induced Thrasylochus to let his trierarchy to Callippus, that Callippus, being in full control of the ship, might carry Callistratus about, as he pleased. Timomachus himself came on board my ship, and sailed around here and there until he reached the Hellespont.

When he had no longer need of ships of war, he

<sup>a</sup> Anagyrus, a deme of the tribe Erectheis.

## DEMOSTHENES

βιβάσας μοι Λυκῖνον τὸν Παλληνέα ἄρχοντα εἰς τὴν  
 ναῦν, καὶ προστάξας αὐτῷ καθ' ἡμέραν ἀργύριον  
 διδόναι τοῖς ναύταις, ἀποπλεῖν οἴκαδέ με ἐκέλευσεν.  
 ἐπειδὴ τοίνυν καταπλέοντες οἴκαδε ἦμεν ἐν Τενέδῳ,  
 καὶ οὔτε ὁ Λυκῖνος, ᾧ προσέταξεν ὁ Τιμόμαχος,  
 ἐδίδου τοῖς ναύταις σιτηρέσιον (οὐ γὰρ ἔφη ἔχειν,  
 ἀλλ' ἐκ Μυτιλήνης λήψεσθαι), οἳ τε στρατιῶται  
 εἶχον οὐδὲν ὅτου ἂν ἐπεσιτίσαντο, ἄσιτοι δὲ οὐκ  
 54 ἂν ἠδύναντο ἐλαύνειν, πάλιν παραλαβὼν ἐγὼ  
 μάρτυρας τῶν πολιτῶν, προσελθὼν Πολυκλεῖ του-  
 τῶι ἐν Τενέδῳ, ἐκέλευον αὐτὸν τὴν τε ναῦν παρα-  
 λαμβάνειν ὡς διάδοχον ὄντα, καὶ τὸ ἐπιτριράρχημα  
 ἀποδιδόναι τοῦ χρόνου οὐ ἐπανήλωσα ὑπὲρ τούτου  
 ἐπιτριηραρχῶν, ἵνα μὴ πρόφασις αὐτῷ γένοιτο  
 ἀπολογίας πρὸς ὑμᾶς, ὡς ἐγὼ διὰ τοῦτο οὐκ  
 ἠθελον αὐτῷ παραδοῦναι τὴν ναῦν, φιλοτιμούμενος,  
 ἵνα καταπλεύσαιμι οἴκαδε ἐπὶ νεῶς εὖ πλεούσης  
 55 καὶ ἐνδειξαίμην ὑμῖν τὰ ἀναλώματα. οὐκ ἐθέλοντος  
 δ' αὐτοῦ παραλαμβάνειν, τῶν δὲ ναυτῶν ἀργύριον  
 αἰτούντων ἵν' ἀγοράσωνται τὰ ἐπιτήδεια, πάλιν  
 αὐτῷ προσέρχομαι μάρτυρας ἔχων, καὶ ἠρώτων  
 αὐτὸν εἰ ἀναπλεύσειεν ἔχων ἀργύριον ὡς διαδεξό-  
 μενός μοι τὴν ναῦν, ἢ οὔ. ἀποκριναμένου δ' αὐτοῦ  
 ὅτι ἔχων ἀργύριον ἦκοι, ἐκέλευον αὐτὸν μοι  
 δανείσαι ὑποθέμενον τὰ σκεύη τῆς νεῶς, ἵν' ἔχοιμι  
 διαδοῦναι τοῖς ναύταις καὶ κατακομίσαι τὴν ναῦν,  
 ἐπειδὴ οὐ βούλεται παραλαβεῖν διάδοχος ὢν.  
 56 δεομένου δέ μου ταῦτα, ἀπεκρίνατό μοι ὅτι οὐδ'  
 ἀκαρῆ δανείσοι. ἐγὼ μὲν οὖν παρὰ ξένων Τενεδίων  
 τοῦ πατρός, Κλεάνακτος καὶ Ἐπηράτου, ἔδανει-  
 [1224] σάμην καὶ ἔδωκα τοῖς ναύταις τὸ σιτηρέσιον· διὰ

## AGAINST POLYCLEES, 53-56

put on board my vessel Lucinus of Pallenê,<sup>a</sup> as commander, and, enjoining upon him to give the sailors money every day, ordered me to sail for home. When, then, on our homeward voyage we were in Tenedos, and Lucinus, despite the orders given him by Timomachus, was furnishing no money for sustenance to the sailors (he said he had none, but should get some from Mytilenê), and the men had nothing with which to buy provisions, and without food could not have continued rowing, again taking some of our citizens 54 as witnesses I approached the defendant in Tenedos, and bade him take over the ship as my successor, and to reimburse me for the expenses I had incurred while serving as trierarch in his stead beyond my term. I did this in order that he might not make use of the pretext, in his defence before you, that I refused to hand over the ship to him because I was ambitious to sail home in a fast-sailing ship and show off to you my lavish expenditure. Since he refused to take 55 over the ship, and the sailors were asking for money that they might buy supplies, I came up to him again, having witnesses with me, and asked whether he had come out with money with the purpose of taking over the ship from me, or not. On his replying that he had brought money with him, I urged him to lend me some on the security of the ship's equipment, that I might distribute it among the sailors and bring the ship home, seeing that he refused to take over the ship, although he was my successor. To this request of mine he replied that he would not 56 lend me a farthing. Accordingly I borrowed from Cleanax and Eperatus, friends of my father in Tenedos, and gave the sailors their provision-money ;

<sup>a</sup> Pallenê, a deme of the tribe Antiochis.

## DEMOSTHENES

γὰρ τὸ Πασίωνος εἶναι καὶ ἐκείνον ἐξενῶσθαι πολλοῖς καὶ πιστευθῆναι ἐν τῇ Ἑλλάδι, οὐκ ἠπόρουν, ὅπου δεηθείην, δανείσασθαι.

Ὡς οὖν ταῦτ' ἀληθῆ πρὸς ὑμᾶς λέγω, τούτων ὑμῖν τὰς μαρτυρίας παρέξομαι.

### ΜΑΡΤΥΡΙΑΙ

- 57 Ὅσων μὲν τοίνυν ὑμῖν ἡδυνάμην τὰς μαρτυρίας παρασχέσθαι τῶν παραγενομένων, ὡς παρεδίδουν τὴν ναῦν Πολυκλεῖ πολλάκις, οὗτος δ' οὐκ ἠθέλησε παραλαβεῖν, ἀνέγνωκεν ὑμῖν· ἔτι δὲ καὶ ἐκ τεκμηρίων ἱκανῶν δεδήλωκα ὑμῖν, διότι οὐκ ἤθελε παραλαβεῖν τὴν ναῦν. βούλομαι δ' ὑμῖν καὶ τὸν νόμον ἀναγνωσθῆναι τὸν περὶ τῶν διαδόχων, ἵν' εἰδῆτε ἡλικίων τῶν ἐπιτιμίων ὄντων, εἴαν τις μὴ διαδέξῃται τὴν ναῦν ἐν τῷ χρόνῳ τῷ εἰρημένῳ, κατεφρόνησεν οὐκ ἐμοῦ μόνον, ἀλλὰ καὶ ὑμῶν καὶ τῶν νόμων.
- 58 καὶ διὰ μὲν τοῦτον πάντα τῇ πόλει ἄπρακτα γέγονε καὶ τοῖς συμμάχοις· οὔτε γὰρ ἀφίκετο ἐπὶ τὴν ναῦν κατὰ τὸν νόμον, οὔτ' ἐπειδὴ ἦλθεν ἠθέλησε διαδέξασθαι· ἐγὼ δὲ καὶ τὸν ὑπὲρ ἐμαυτοῦ ὑμῖν χρόνον καὶ τὸν ὑπὲρ τοῦ συντριηράρχου ἐλητούργησα, καὶ ἐπειδὴ ἐξῆλθέ μοι ὁ χρόνος τῆς τριηραρχίας, προστάττοντός μοι τοῦ στρατηγοῦ πλεῖν
- 59 ἐφ' Ἱερὸν παρέπεμψα τῷ δήμῳ τὸν σῖτον, ἵν' ἔχητε ἄφθονον ὠνεῖσθαι καὶ μηδὲν ὑμῖν κατ' ἐμὲ ἐλλείπηται, καὶ ἄλλα ὅσα ἢ ἐμοὶ ἢ τῇ τριήρει ἐβουλήθη ὁ στρατηγὸς χρῆσθαι, παρέσχον αὐτῷ, οὐ μόνον τὴν οὐσίαν ἀναλίσκων, ἀλλὰ καὶ τῷ

## AGAINST POLYCLES, 56-59

for on account of my being Pasion's son, and the fact that he was connected by ties of hospitality with many, and was trusted throughout the Greek world, I had no difficulty in borrowing money wherever I needed it.

To prove that the statements I am making to you are true, I shall produce for you the depositions establishing these facts.

### THE DEPOSITIONS

The clerk has read the depositions of all those whom I was able to produce, who were present in person, to prove that I again and again offered to give over the ship to Polycles, and that he refused to take it. More than that, I have shown by convincing circumstantial evidence, why it was that he refused to take over the ship. I desire now to have read to you the law also regarding those appointed to succeed others in the trierarchy, that you may know how severe the penalties are when a man fails to take over a ship from his predecessor within the appointed time, and how Polycles scoffed, not at me only, but at you and at the laws. So far as he is concerned, all measures undertaken by the state and her allies have failed; for he neither joined his ship, as the law commands, nor, when he did come, was he willing to take over the ship from his predecessor; whereas I served for my own term and that of my associate in the trierarchy, and when my term of service had expired and I was ordered by the general to sail to Hieron, I convoyed the grain for our people, that they might buy in a plentiful market, and that, so far as depended on me, there should be no lack; and I performed for the general every other service which he desired either of myself or of my trireme, not only spending my

## DEMOSTHENES

σώματι κινδυνεύων συνεπιπλέων, τῶν οἰκείων μοι  
 πραγμάτων τοιούτων συμβεβηκότων ἐν τῷ τότε  
 60 καιρῷ, ὥστε ὑμᾶς ἂν ἀκούσαντας ἐλεῆσαι. ἡ μὲν  
 γε μήτηρ ἔκαμνε καὶ ἐπιθάνατος ἦν ἐμοῦ ἀπο-  
 [1225] δημοῦντος, ὥστε μὴ δύνασθαι ἔτι αὐτὴν βοηθῆσαι  
 τοῖς ἐμοῖς πράγμασιν ἀηλωμένοις ἀλλ' ἢ βραχεία.  
 ἑκταῖος γὰρ ἦκων ἐτύγχανον, καὶ ἐκείνη ἰδοῦσά με  
 καὶ προσειπούσα τὴν ψυχὴν ἀφῆκεν, οὐκέτι τῶν  
 ὄντων κυρία οὔσα ὥστε δοῦναι ὅσα ἐβούλετό μοι.  
 πολλάκις δὲ πρότερον μετεπέμπετό με, ἀφικέσθαι  
 61 δεομένη αὐτόν, εἰ μὴ τῇ τριῆρει οἷόν τ' εἶη. ἡ δὲ  
 γυνή, ἣν ἐγὼ περὶ πλείστου ποιοῦμαι, ἀσθενῶς  
 διέκειτο πολὺν χρόνον ἐν τῇ ἐμῇ ἀποδημίᾳ· τὰ δὲ  
 παιδία μικρά, ἣ δ' οὐσία ὑπόχρεως· ἡ δὲ γῆ οὐχ  
 ὅπως τινὰ καρπὸν ἤνεγκεν, ἀλλὰ καὶ τὸ ὕδωρ ἐν  
 ἐκείνῳ τῷ ἐνιαυτῷ, ὡς πάντες ἴστε, ἐκ τῶν φρεά-  
 των ἐπέλιπεν, ὥστε μηδὲ λάχανον γενέσθαι ἐν τῷ  
 κήπῳ· οἱ δὲ δεδανεικότες ἦκον ἐπὶ τοὺς τόκους,  
 ἐπειδὴ ὁ ἐνιαυτὸς ἐξῆλθεν, εἰ μὴ τις ἀποδοίῃ  
 62 αὐτοῖς κατὰ τὰς συγγραφάς. ὧν ἀκούοντά με  
 καὶ παρὰ τῶν ἀφικνουμένων λόγῳ, τὰ δὲ καὶ δι'  
 ἐπιστολῶν παρὰ τῶν οἰκείων, τίνα με οἴεσθε  
 ψυχὴν ἔχειν, ἢ πόσα δάκρυα ἀφιέναι, τὰ μὲν  
 ἐκλογιζόμενον περὶ τῶν παρόντων, τὰ δὲ καὶ  
 ποθοῦντα ἰδεῖν παιδία καὶ γυναῖκα καὶ μητέρα,  
 ἣν ἐγὼ οὐ πολλὰς ἐλπίδας εἶχον ζῶσαν κατα-  
 λήψεσθαι; ὧν τί ἥδιόν ἐστιν ἀνθρώπῳ, ἢ τοῦ ἕνεκ'  
 ἂν τις εὖξαιτο τούτων στερηθεὶς ζῆν;  
 63 Τοιούτων τοίνυν μοι συμβεβηκότων τῶν πραγμά-  
 των, οὐ περὶ πλείονος ἐποίησάμην τὰ ἐμαντοῦ

## AGAINST POLYCLES, 59-63

property, but risking my life as well through always making the voyage in person, although my domestic affairs were in such a condition at that time that you would pity me, if you heard them. My mother lay sick,<sup>a</sup> and was at the point of death while I was abroad, so that she was unable any longer to help in the depletion of my resources save to a slight extent. I had been but six days at home, when, after she had seen and greeted me, she breathed her last, being no longer mistress of her property, so as to give me as much as she wished. She had often sent for me before this, begging me to come to her by myself if I could not come in my ship. My wife, too, to whom I am deeply attached, was in poor health for a long time during my absence ; my children were small and my estate was in debt ; my land not only produced no crops, but that year, as you all know, the water even dried up in the wells, so that not a vegetable grew in the garden ; and my creditors at the expiration of the year came to collect their interest, unless the principal was paid to them according to the contract. When I heard these facts from the lips of those who came and also through letters from my relatives, how do you think I must have felt, and how many tears must I have shed, while I reckoned up my present troubles and was longing to see my children and my wife, and my mother whom I had little hope of finding alive ? For what is sweeter to a man than these, or why should one wish to live, if deprived of them ?

Although the misfortunes which had befallen me were thus grievous, I did not count my private

<sup>a</sup> The speaker's pretended concern for his mother accords ill with the attitude he shows toward her in Oration XLV.

## DEMOSTHENES

ἴδια ἢ τὰ ὑμέτερα, ἀλλ' ἡγούμην δεῖν καὶ χρημάτων  
 ἀναλισκομένων κρείττων εἶναι καὶ τῶν οἴκοι  
 ἀμελουμένων καὶ γυναικὸς καὶ μητρὸς νοσοῦσης,  
 [1226] ὥστε μῆτε τὴν τάξιν αἰτιάσασθαί μέ τινα λιπεῖν  
 μῆτε τὴν τριήρη τῇ πόλει ἄχρηστον γενέσθαι.  
 64 ἀνθ' ὧν ἀπάντων νῦν ὑμῶν δέομαι, ὥσπερ ἐγὼ  
 ὑμῖν εὐτακτον καὶ χρήσιμον ἑμαυτὸν παρέσχον,  
 οὕτω καὶ ὑμᾶς νυνὶ περὶ ἐμοῦ πρόνοιαν ποιησα-  
 μένους, καὶ ἀναμνησθέντας ἀπάντων ὧν τε διηγησά-  
 μην πρὸς ὑμᾶς, τῶν τε μαρτυριῶν ὧν παρεσχόμην  
 καὶ τῶν ψηφισμάτων, βοηθῆσαι μὲν ἐμοὶ ἀδικου-  
 μένω, τιμωρήσασθαι δ' ὑπὲρ ὑμῶν αὐτῶν, εἰσ-  
 πράξαι δὲ τὰ ὑπὲρ τούτου ἀνηλωμένα. ἢ τίς  
 ἐθελήσει φιλοτιμείσθαι πρὸς ὑμᾶς, ὅταν ὁρῶσι  
 μῆτε τοῖς χρηστοῖς καὶ εὐτάκτοις χάριν οὔσαν,  
 μῆτε τοῖς πονηροῖς καὶ ἀκοσμοῦσι τιμωρίαν παρ'  
 65 ὑμῶν; ἀναγνώσεται δὲ καὶ τὸν νόμον ὑμῖν καὶ τὰ  
 ἀναλώματα τοῦ χρόνου οὗ ἐπετριηράρχησα ὑπὲρ  
 τούτου, καθ' ἕκαστον, καὶ τοὺς λιπόνεως, ὅσον  
 ἕκαστος ἔχων ἀργύριον ἀπέδρα καὶ ὄπου, ἵν' εἰδῆτε  
 ὅτι οὔτε νῦν πρὸς ὑμᾶς ψεῦδος οὐδὲν λέγω οὔτε  
 ἐν τῷ πρόσθεν χρόνῳ, ἡγοῦμαί τε δεῖν τὸν μὲν  
 ὑπὸ τῶν νόμων χρόνον ὠρισμένον ἀμέμπτως ὑμῖν  
 λητουργεῖν, τοὺς δὲ καταφρονοῦντας καὶ ὑμῶν καὶ  
 τῶν νόμων καὶ οὐκ ἐθέλοντας πείθεσθαι τοῖς νόμοις  
 66 ἐξελέγξας ἀδικοῦντας ἐν ὑμῖν τιμωρήσασθαι. εὖ  
 δ' ἴστε ὅτι οὐ περὶ τῶν ἐμῶν ἰδίων μᾶλλον τιμω-  
 ρήσεσθε Πολυκλέα, ἢ οὐχ ὑπὲρ ὑμῶν αὐτῶν, οὐδὲ  
 περὶ τῶν παρεληλυθότων τριηράρχων ἐπιμέλειαν  
 ποιήσεσθε μόνον, ἀλλὰ καὶ περὶ τῶν μελλόντων



## AGAINST POLYCLES, 63-66

interests of so much importance as your interests, but felt that I ought to rise above the wasting of my fortune, the neglect of my household affairs, and the sickness of my wife and my mother, so that no one could accuse me of deserting my post or letting my ship be useless to the state. In return for all this I now implore you, that, as I showed myself obedient and useful in your service, so you will now take thought of me, and, remembering all that I have told you, the depositions which I have produced and the decrees, you will succour me when I am being wronged, will mete out punishment in your own interest, and will exact repayment of the funds expended in the defendant's behalf. Or who will wish to be zealous on your service, when men see that you neither reward those who are honest and obedient, nor punish those who are dishonest and disobedient? The clerk shall read you the law and an account of my expenses in detail for the period during which I served as trierarch beyond my term on the defendant's behalf, and the sums which the several deserters took with them when they ran away from the ship, and where they went, in order that you may be assured that neither now nor at any time before have I made false statements to you. I count it my duty to serve you in a manner above reproach for the period prescribed by law, and as regards those who scorn you and the laws, and will not obey the laws, to convict them and get them punished in your courts. Be assured that it will be no more in my interest than in your own that you will punish Polycles, nor will you be showing concern merely for those who have served as trierarchs in the past; no, you will be taking thought also for those who are to

## DEMOSTHENES

πρόνοιαν, ὥστε μήτε τοὺς λητουργοῦντας ἀθυμεῖν, μήτε τοὺς διαδόχους καταφρονεῖν τῶν νόμων, ἀλλ' [1227] ἀπιέναι ἐπὶ τὰς ναῦς, ὅταν κατασταθῶσιν. ἃ προσήκει ὑμᾶς ἐνθυμηθέντας ὀρθῶς καὶ δικαίως διαγνώναι περὶ ἀπάντων.

67 Ἡδέως δ' ἂν ὑμῶν πυθοίμην, ὧ ἄνδρες δικασταί, τίς ἂν ποτε γνώμην περὶ ἐμοῦ εἶχετε, εἰ τοῦ τε χρόνου ἐξήκοντος καὶ τούτου μὴ ἦκοντος ἐπὶ τὴν ναῦν, μὴ ἐπετριηράρχησα κελεύοντος τοῦ στρατηγοῦ, ἀλλὰ πλέων ὠχόμην. ἄρ' οὐκ ἂν ὠργίζεσθέ μοι καὶ ἡγείσθε ἂν ἀδικεῖν; εἰ τοίνυν ἂν ἐμοὶ τότε ὠργίζεσθε, ὅτι οὐκ ἐπετριηράρχησα, πῶς οὐχὶ νῦν προσήκει ὑμᾶς τοῦτον εἰσπράξαι μοι τὰ ἀναλώματα, ἃ ἐγὼ ὑπὲρ τούτου ἀνήλωσα, τὸν οὐ διαδεξάμενον τὴν ναῦν;

68 Ὅτι δ' οὐκ ἐμοὶ μόνῳ οὐ διεδέξατο τὴν ναῦν, ἀλλὰ καὶ πρότερον Εὐριπίδῃ συντριήραρχος ὢν καὶ συνθηκῶν οὐσῶν αὐτοῖς τοὺς ἕξ μῆνας ἐκάτερον πλεῖν, ἐπειδὴ Εὐριπίδης ἐξέπλευσε καὶ ὁ χρόνος ἐξῆκεν, οὐ διεδέξατο τὴν ναῦν αὐτῷ, ἀναγνώσεται τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

## AGAINST POLYCLES, 66-68

serve in the future, so that those who perform public services may not be discouraged, and those who are designated as their successors may not show contempt toward the laws, but may go to their ships when they are appointed. These matters you should bear in mind, and reach a fair and just decision regarding all the points at issue.

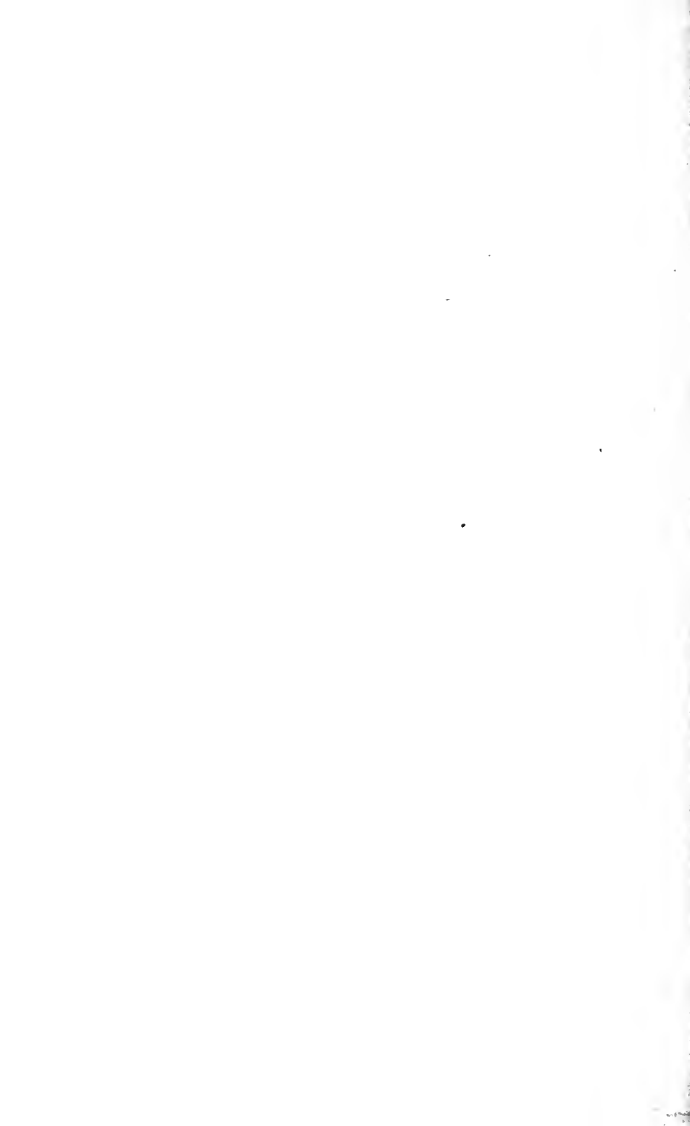
I should gladly ask you, men of the jury, what 67 opinion you would have had of me, if, when my term of service had expired and the defendant had not come to take over the ship, I had refused to serve longer when the general so ordered, but had sailed away. Would you not have been indignant and have thought that I was wronging you? If, then, you would have been indignant in that case, because I refused to serve beyond my term, should you not now exact from the defendant the money expended by me on his behalf, seeing that he did not take over the ship?

To prove that it is not in my case only that he 68 failed to take over his ship, but that on a former occasion also, when he was the associate of Euripides in the trierarchy and there was an agreement between them that each should sail for six months, when Euripides had sailed and the term had expired, Polycles did not take over the ship from him,—to prove this, I say, the clerk shall read the deposition.

### THE DEPOSITION.



ON THE TRIERARCHIC  
CROWN



## INTRODUCTION

THIS speech, which, if genuine, is the only one known to us to have been delivered by Demosthenes before the senate, is not properly a private oration. It is a plea by the speaker that the crown should be awarded to him rather than to one of the rival claimants. This crown was a prize for that one of the trierarchs who should be the first to have his ship equipped, manned, and ready for service.

The speaker declares that he had already been crowned for being the first to have his vessel launched and brought up to the pier, whereas his competitors had made themselves liable to imprisonment for having failed to do so within the prescribed month ; that he had furnished the equipment of his ship at his own expense, while the others had drawn upon the public stores ; that he was the first to have his vessel manned and ready for trial, whereas they had not even hired a full complement of men ; and finally that his rivals, instead of charging themselves with their appointed task, had hired a deputy to do the work for them. He puts his reliance upon the service he had rendered, they upon the influence of those who would speak on their behalf.

This speech is often attributed to Apollodorus (because of a superficial resemblance to the speech against Polycles) but without valid grounds. Blass, iii. pp. 242 ff., accepts the Demosthenic authorship.

## LI

### ΠΕΡΙ ΤΟΥ ΣΤΕΦΑΝΟΥ ΤΗΣ ΤΡΙΗΡΑΡΧΙΑΣ

Εἰ μὲν ὅτῳ πλείστοι συνείποιεν, ὦ βουλή, τὸ  
 ψήφισμ' ἐκέλευε δοῦναι τὸν στέφανον, κὰν ἀνόητος  
 ἦν εἰ λαβεῖν αὐτὸν ἡξιῶν, Κηφισοδότου μόνου μοι  
 συνειρηκότος, τούτοις δὲ παμπόλλων. νῦν δὲ τῷ  
 πρώτῳ παρασκευάσαντι τὴν τριήρη τὸν ταμίαν  
 προσέταξεν ὁ δῆμος δοῦναι, πεποίηκα δὲ τοῦτ'  
 2 ἐγὼ· διό φημι δεῖν αὐτὸς στεφανοῦσθαι. θαυμάζω  
 δὲ καὶ τούτων, ὅτι τῆς τριήρους ἀμελήσαντες τοὺς  
 ῥήτορας παρεσκεύασαν, καὶ δοκοῦσί μοι παντὸς  
 διημαρτηκένοι τοῦ πράγματος, καὶ νομίζειν οὐχὶ  
 τοῖς ποιούσιν ἂ δεῖ χάριν ὑμᾶς ἔχειν, ἀλλὰ τοῖς  
 φάσκουσιν, οὐ τὸν αὐτὸν τρόπον ἐγνωκότες ὄνπερ  
 ἐγὼ περὶ ὑμῶν. καὶ κατ' αὐτὸ δὴ τοῦτο δικαίως  
 ἂν ἔχοιτ' εὐνοϊκωτέρως ἐμοί· φαίνομαι γὰρ βελ-  
 3 τίους ὑμᾶς ὑπολαμβάνων ἢ οὗτοι. χρῆν μὲν οὖν,  
 ὦ ἄνδρες Ἀθηναῖοι, καὶ δίκαιον ἦν, τοὺς τὸν  
 [1229] στέφανον οἰομένους δεῖν παρ' ὑμῶν λαβεῖν, αὐτοὺς  
 ἀξιῶς ἐπιδεικνύναι τούτου, μὴ ἴμε κακῶς λέγειν.  
 ἐπειδὴ δὲ τοῦτο παρέντες ἐκείνο ποιούσιν, ἀμ-



## LI

### ON THE TRIERARCHIC CROWN, BY AN UNKNOWN PLEADER

IF the decree, men of the senate, ordered that the crown should be given to the man having the largest number of advocates, it would have been senseless for me to claim it, for Cephisodotus alone has spoken on my behalf, while a host of pleaders has spoken for my opponents. But the fact is, the people appointed that the treasurer should give the crown to the one who first got his trireme ready for sea ; and this I have done ; so I declare that it is I who should be crowned. Also I am surprised that my opponents neglected<sup>2</sup> their ships, but took care to get their orators ready ; and they seem to me to be mistaken in regard to the whole affair, and to imagine that you are grateful, not to those who do their duty, but to those who say they do it ; and they have formed a totally different estimate regarding you from that which I hold. For this very reason it is right that you should feel more kindly disposed toward me ; for it is plain that I entertain a higher opinion of you than they do. Surely it would have been right and proper, men of<sup>3</sup> Athens, that those who claim to receive a crown from you, should show that they are worthy of it, and not speak ill of me. But since they leave out the former

## DEMOSTHENES

φότερ' αὐτοὺς ἐπιδείξω ψευδομένους, ἃ θ' αὐτοὺς ἐνεκωμίασαν καὶ ὅσ' εἰς ἡμᾶς ἐβλασφήμησαν, ἐξ αὐτῶν τῶν πεπραγμένων ἐκατέροις.

- 4 Ὑψήφισμα γὰρ ὑμῶν ποιησαμένων, ὃς ἂν μὴ πρὸ τῆς ἔνης καὶ νέας ἐπὶ χῶμα τὴν ναῦν περιορμίσῃ, δῆσαι καὶ δικαστηρίῳ παραδοῦναι, καὶ ταῦτα κυρωσάντων, ἐγὼ μὲν περιώρμισα καὶ στέφανον διὰ ταῦτα παρ' ὑμῶν ἔλαβον, οὗτοι δ' οὐδὲ καθ-  
εἴλκυσαν, ὥστ' ἔνοχοι δεσμῶ γεγόνασιν. πῶς οὖν οὐκ ἀτοπώτατον ἂν διαπράξαισθ' ἔργον, εἰ τοὺς καθ' αὐτῶν ἔασαντας τίμημα τοιοῦτον ἐπαχθῆναι,
- 5 τούτους στεφανώσαντες ὑμεῖς φαίνοισθε; τὰ σκευή τοίνυν, ὅσα δεῖ παρέχειν τὴν πόλιν τοῖς τριηράρχοις, ἐγὼ μὲν ἐκ τῶν ἰδίων ἀνήλωσα καὶ τῶν δημοσίων ἔλαβον οὐδέν, οὗτοι δ' ὑμετέροις κέ-  
χρηται καὶ τῶν σφετέρων οὐδέν εἰς ταῦτα προ-  
εῖνται. καὶ μὴν οὐδ' ἂν ἐκεῖνό γ' ἔχοιεν εἰπεῖν, ὡς ἀνεπειρῶντ' ἐμοῦ πρότεροι· πρὶν γὰρ ἠφθαι μόνον τῆς τριήρους τούτους ἐπεπλήρωτό μοι, καὶ πάντες ἐωρᾶθ' ὑμεῖς ἀναπειρωμένην τὴν ναῦν.
- 6 ἔτι τοίνυν ὑπηρεσίαν τὴν κρατίστην ἔλαβον, πολλῶ πλείστον ἀργύριον δούς. οὗτοι δ' εἰ μὲν εἶχον χείρον' ἡμῶν, οὐδέν ἂν ἦν δεινόν· νῦν δ' οὐδ' ὅποιαντινοῦν πω μεμίσθωνται περὶ τοῦ πλείονος ἀντιλέγοντες. καίτοι πῶς εἰσι δίκαιοι ταῦτα μὲν ὕστερον ἐξαναπληροῦν, νῦν δ' ὡς πρῶτοι παρα-  
σκευασάμενοι τὸν στέφανον λαβεῖν;
- 7 Ἡγοῦμαι τοίνυν, ὅτι μὲν δικαιοτάτ' ἂν στεφανώ-

## ON THE TRIERARCHIC CROWN, 3-7

of these two things and do the latter, I shall show that they are speaking falsely both in their praise of themselves and in their slander of me ; and I shall prove this by their own deeds and by mine.

When you had passed a decree and confirmed it, to <sup>4</sup> the effect that whoever did not bring his ship around to the pier before the last day of the month should be placed under arrest and handed over to the court, I brought my ship up to the pier, and for this I received a crown from you, while the others had not even launched their ships ; they therefore have made themselves liable to imprisonment. Would it not, then, be the strangest possible act on your part, if you should be seen to confer a crown on people who had suffered themselves to become liable to so grievous a penalty ? As to the ship's equipment, moreover, <sup>5</sup> all, that is, which the state is bound to supply to the trierarchs, I purchased it with my own resources and took nothing from the public stores, while these men used equipment of yours and spent none of their own money for this purpose. And surely they cannot say either that they got their ship ready for trial before I did mine ; for mine was manned before they had so much as touched theirs, and you all saw the ship being tested. More than this, I secured the very <sup>6</sup> best rowers, giving by far the highest wages. If my opponents had had rowers inferior to mine, it would have been nothing disgraceful, but in fact they have hired rowers of no sort whatever, though they lay claim to larger numbers. And yet, how can it be fair, when they manned their ship later than I did mine, for them now to receive the crown as having been the first to get ready ?

I think therefore that even without my saying <sup>7</sup>

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[1230] σαιτ' ἐμέ, κὰν μηδὲν εἰπόντος ἐμοῦ γινώσκειν ὑμᾶς. ὅτι δ' οὐ μέτεστι μόνοις τούτοις περὶ τοῦ στεφάνου λόγος, τοῦτ' ἐπιδειῖξαι βούλομαι. πόθεν οὖν τοῦτο μάλιστ' ἔσται δῆλον; ἀφ' ὧν αὐτοὶ πεποιήκασι· σκεψάμενοι γὰρ τὸν ἐξ ἐλαχίστου τριηραρχεῖν βουλόμενον, μεμισθώκασι τὴν λητουργίαν. καίτοι πῶς οὐκ ἄδικον τῶν μὲν ἀναλωμάτων ἀφεστηκένας, τῶν δὲ γιγνομένων δι' ἐκείνα τιμῶν ἀξιοῦν ἑαυτοῖς μετεῖναι; καὶ τοῦ μὲν μὴ περιορμίσαι τὴν ναῦν τότε τὸν μεμισθωμένον αἰτιᾶσθαι, τῶν δὲ καλῶς δεδιακονημένων νῦν αὐτοῖς κελεύειν

8 χάριν ὑμᾶς ἔχειν; δεῖ τοίνυν ὑμᾶς, ὦ ἄνδρες Ἀθηναῖοι, μὴ μόνον ἐκ τούτων σκοπεῖν τὸ δίκαιον, ἀλλὰ καὶ ἐξ ὧν αὐτοὶ πρότερον πεποιήκατε ταῦτα τινῶν διαπραξαμένων τούτοις. ὅτε γὰρ τῇ ναυμαχίᾳ τῇ πρὸς Ἀλέξανδρον ἐνικήθητε, τότε τῶν τριηράρχων τοὺς μεμισθωκότας τὰς τριηραρχίας αἰτιωτάτους τοῦ γεγενημένου νομίζοντες, παρέδώκατ' εἰς τὸ δεσμωτήριον, καταχειροτονήσαντες προδεδωκένας τὰς ναῦς καὶ λελοιπένας τὴν τάξιν.

9 καὶ κατηγορεῖ μὲν Ἀριστοφῶν, ἐδικάζετε δ' ὑμεῖς· εἰ δὲ μὴ μετριωτέραν ἔσχετε τὴν ὀργὴν τῆς ἐκείνων πονηρίας, οὐδὲν ἂν αὐτοὺς ἐκώλυεν τεθνάναι. ταῦτα τοίνυν εἰδότες οὗτοι πεπραγμέν' αὐτοῖς καὶ ἐκείνοις, οὐχὶ φρίττουσιν ἐν ὑμῖν ὑπὲρ ὧν προσήκει παθεῖν αὐτούς, ἀλλὰ δημηγοροῦσι κατ' ἄλλων καὶ στεφανοῦν κελεύουσιν ἑαυτούς. καίτοι σκέψασθε τίν' ἂν ποτε δόξαιτε βεβουλεῦσθαι τρόπον, εἰ διὰ τὴν αὐτὴν πρόφασιν τοὺς μὲν

## ON THE TRIERARCHIC CROWN, 7-9

anything you recognize that you would most justly grant me the crown, but I wish to show you that of all people in the world these men have the least claim to it. How can I prove this most clearly? By what they have themselves done. For they sought out the man who would take their trierarchy on the lowest terms, and have let the service to him. Yet is it not unjust to shrink from making the outlay, and still to demand a share in the honours accruing from it, and while they lay the blame for not bringing their ship up to the pier at that time on the man they hired, to bid you now reward them for good service rendered? You ought, men of Athens, to seek a just course, not 8 only in the light of these considerations, but also in the light of your own previous actions in the case of others who have acted as these men have done. For, when you were worsted in the sea-fight against Alexander,<sup>a</sup> you thought that the trierarchs who had let out their trierarchies were chiefly responsible for what had happened, and you gave them over for imprisonment, having decided by show of hands that they had betrayed their ships and deserted their post. The 9 accusation was made by Aristophon, and you were the judges; and, if the anger you felt had been equal to their crime, nothing could have prevented their being put to death. My opponents, although they are aware that they have done just what those others did, instead of shuddering before you at the thought of what they ought to suffer, make speeches attacking others, and demand that they themselves be crowned. And yet, consider what would be thought of your way of reaching decisions, if you are seen to have con-

<sup>a</sup> Alexander of Pherae had defeated the Athenian fleet at Peparethus in 361 B.C.

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- θανάτου κρίναντες, τοὺς δὲ στεφανώσαντες φανεῖτε.
- 10 καὶ μὴν οὐ μόνον εἰ τοῦτο ποιήσατε, δοκοῖτ' ἂν  
 [1231] ἀμαρτεῖν, ἀλλ' εἰ μὴ καὶ κολάσατε τοὺς τὰ τοιαῦτα  
 ποιούντας, ἔχοντες. οὐ γὰρ ἐπειδὴν ἑάσητέ τι  
 τῶν ὑμετέρων ἀπολέσθαι, τότε χρὴ χαλεπαίνειν,  
 ἀλλ' ἐν ᾧ τὰ μὲν ὑμέτερ' ἐστὶ σῶα, καθορᾶτε δὲ  
 τοὺς ἐφεστηκότας δι' αἰσχροκέρδειαν οὐχὶ προσ-  
 ἤκουσαν πρόνοιαν περὶ σωτηρίας αὐτῶν ποιου-  
 μένους. καὶ μηδεὶς ὑμῶν ἐπιτιμήσῃ τῷ λόγῳ,  
 πικρὸν εἶναι νομίσας, ἀλλὰ τοῖς τὸ ἔργον αὐτὸ  
 πεποιηκόσι· διὰ γὰρ τούτους τοιοῦτός ἐστιν.
- 11 θαυμάζω δ' ἔγωγε, τί δὴ ποτε τῶν μὲν ναυτῶν  
 τοὺς ἀπολειπομένους, ὧν τριάκοντα δραχμὰς ἕκα-  
 στος ἔχει μόνας, δοῦσι καὶ κολάζουσιν οὗτοι· τῶν  
 δὲ τριηράρχων τοὺς μὴ συμπλέοντας, ὧν τριάκοντα  
 μνᾶς εἰς ἐπίπλουν εἴληφεν ἕκαστος, οὐ ταῦτά  
 ποιεῖθ' ὑμεῖς· ἀλλ' ἐὰν μὲν πένης ὧν τις δι' ἔνδειαν  
 ἀμάρτη, τοῖς ἐσχάτοις ἐπιτιμίαις ἐνέξεται, ἐὰν δὲ  
 πλούσιος ὧν δι' αἰσχροκέρδειαν ταῦτά ποιήσῃ,  
 συγγνώμης τεύξεται; καὶ ποῦ τὸ πάντα ἔχειν  
 ἴσον καὶ δημοκρατεῖσθαι φαίνεται, τοῦτον τὸν
- 12 τρόπον ὑμῶν ταῦτα βραβευόντων; ἔτι τοίνυν  
 ἔμοιγε δοκεῖ κάκεῖνο ἀλόγως ἔχειν, τὸν μὲν εἰπόντα  
 τι μὴ κατὰ τοὺς νόμους, ἐὰν ἄλῳ, τὸ τρίτον μέρος  
 ἡτιμῶσθαι τοῦ σώματος, τοὺς δὲ μὴ λόγον, ἀλλ'  
 ἔργον παράνομον πεποιηκότας μηδεμίαν δοῦναι  
 δίκην. καὶ μὴν, ὦ ἄνδρες Ἀθηναῖοι, πάντες ἂν  
 ὑμεῖς φήσατε, τὸ πρὸς τὰ τοιαῦτα πρᾶως ἔχειν  
 προδιδάσκειν ἑτέρους ἀδικεῖν εἶναι.
- 13 Βούλομαι τοίνυν, ἐπειδήπερ εἰς τούτους τοὺς

<sup>a</sup> Precisely what this partial ἀτιμία (disfranchisement) was, it is impossible to state definitely.

## ON THE TRIERARCHIC CROWN, 9-13

demned some persons to death and to have crowned  
others for the same cause! And you would be thought 10  
to be making a mistake, not only if you should do this,  
but also if you should fail to punish those who do  
things of this sort, when you have them in your power.  
For the time to feel indignation is not when you have  
suffered some of your possessions to be lost, but while  
they are safe, but you see those placed in charge of  
them failing through a shameful love of gain to make  
adequate provision for their safety. Let no one of  
you condemn my speech because he regards it as  
bitter; condemn rather those who have committed  
the crime; for it is because of them that my speech  
is such as it is. I for my part wonder why in the 11  
world these men should imprison and punish those of  
the sailors who desert their ships—men who receive  
only thirty drachmae apiece,—while you do not deal  
in the same manner with those of the trierarchs who  
do not sail with their ships yet receive thirty minae  
apiece for so doing; if a poor man through stress of  
need commits a fault, is he to be liable to the severest  
penalties, while, if a rich man does the same thing  
through shameful love of gain, is he to win pardon?  
Where, then, is equality for all and popular govern-  
ment, if you decide matters in this way? More than 12  
this, it seems to me to be absurd that, when a man  
says anything contrary to law, he should, if he is  
convicted, be deprived of one third of his personal  
rights,<sup>a</sup> while those guilty not of words but of acts  
that are illegal should pay no penalty. Surely, men  
of Athens, you would all say that leniency in regard  
to such offences merely trains up others to commit  
them.

I wish, now that I have entered upon this subject, 13

## DEMOSTHENES

λόγους προήχθην, καὶ τὰ συμβαίνοντ' ἀπὸ τῶν  
 τοιούτων ὑμῖν διεξελθεῖν. ἐπειδὴν γὰρ τις μισθω-  
 [1232] σάμενος τριηραρχίαν ἐκπλεύσῃ, πάντας ἀνθρώπους  
 ἄγει καὶ φέρει, καὶ τὰς μὲν ὠφελίας ἰδία καρ-  
 ποῦται, τὰς δὲ δίκας τούτων ὁ τυχὼν δίδωσιν  
 ὑμῶν, καὶ μόνοις ὑμῖν οὐδαμόσε ἔστιν ἄνευ κηρυ-  
 κείου βαδίσαι, διὰ τὰς ὑπὸ τούτων ἀνδροληψίας  
 14 καὶ σύλας κατεσκευασμένας· ὥστε τῇ γ' ἀληθείᾳ  
 σκοπῶν ἂν τις εὔροι τὰς τοιαύτας τριήρεις, οὐχ  
 ὑπὲρ ὑμῶν, ἀλλὰ καθ' ὑμῶν ἐκπεπλευκυίας. τὸν  
 γὰρ ὑπὲρ τῆς πόλεως τριήραρχον, οὐκ ἀπὸ τῶν  
 κοινῶν προσδοκᾶν χρή πλουτήσειν, ἀλλ' ἀπὸ τῶν  
 ἰδίων τὰ τῆς πόλεως ἐπανορθώσειν, εἴπερ ἔσται  
 τι τῶν δεόντων ὑμῖν. τούτων δὲ τὰναντία ἕκα-  
 στος ἐγνωκῶς ἐκπλεῖ καὶ γὰρ τοι τὰ τῶν αὐτῶν  
 τρόπων ἀμαρτήματα ταῖς ὑμετέραις βλάβαις ἐπαν-  
 15 ορθοῦνται. καὶ τούτων οὐδέν ἔστ' ἄλογον. δεδώ-  
 κατε γὰρ τοῖς βουλομένοις ἀδικεῖν, ἐὰν μὲν  
 λάθωσιν, ἔχειν, ἐὰν δὲ ληφθῶσιν, συγγνώμης  
 τυχεῖν· τοῖς οὖν ἡμεληκόσι δόξης ἄδεια ποιεῖν ὅ  
 τι ἂν βούλωνται γέγονεν. τῶν μὲν τοίνυν ἰδιωτῶν  
 τοὺς μετὰ τοῦ παθεῖν μανθάνοντας ἀπροσκέπτους  
 ὀνομάζομεν· ὑμᾶς δ', οἵτινες οὐδὲ πεπονθότες  
 πολλάκις ἤδη φυλάττεσθε, τί τις καλέσειεν ἂν;  
 16 Ἄξιον τοίνυν καὶ περὶ τῶν συνειρηκότων εἰπεῖν.  
 οὕτω γὰρ ἡγοῦνται τινες ἐξουσίαν εἶναι σφίσι καὶ  
 ποιεῖν ὅ τι βούλωνται καὶ λέγειν παρ' ὑμῖν, ὥστε  
 τῶν τότε συγκατηγορούντων μετ' Ἀριστοφῶντος,

\* This was the celebrated Aristophon of Azenia, who is  
 stated in Aeschines iii. 194 to have averred that he had been  
 62



## ON THE TRIERARCHIC CROWN, 13-16

to set forth to you also the consequences which result from such actions. When a man who has taken the trierarchy for hire sets sail, he plunders and pillages everybody; the profits he reaps for himself, but whoever it may chance to be of you citizens pays the damages; and you alone of all people are unable to travel anywhere without a herald's staff of truce because of the acts of these men in seizing hostages and in provoking reprisals; so that, if one looks at the matter frankly, he will find that triremes such as these have sailed forth, not for you, but against you. For a man who serves as trierarch in the interest of Athens ought not to expect to grow rich at the public expense, but ought by means of his own resources to repair the losses of the state, if you are to have the service which you need. But each commander goes out determined to pursue the opposite course, and the losses resulting from their own evil ways are repaired by the damages which fall on you. And this is but natural. For you have suffered those who choose to act dishonestly, if they escape discovery, to keep what they have stolen, and, even if they are caught, to win pardon; those therefore who have no regard for their reputation have acquired licence to do as they please. Men in private life who learn only through suffering we call lacking in foresight; what, then, should we call you, who are not on your guard even after repeated suffering?

It is right that I should say something about those who have spoken as their advocates. Certain people are so convinced that they have the right to do or say whatever they please before you, that some of those who joined with Aristophon<sup>a</sup> in preferring his charges, acquitted seventy-five times on the charge of introducing bills that were illegal.

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- καὶ πικρῶν ὄντων τοῖς μεμισθωκόσι τὰς τριηραρχίας, νῦν κελεύουσί τινες τούτους στεφανῶσαι, καὶ δυοῖν θάτερον ἐξελέγχουσ' αὐτούς, ἢ τότ' ἐκείνους ἀδίκως συκοφαντοῦντες, ἢ νῦν τοῖσδ' ἐπὶ
- 17 μισθῶ συνηγοροῦντες. καὶ χαρίσασθαι κελεύουσιν  
 [1233] ὑμᾶς, ὥσπερ περὶ δωρειᾶς, ἀλλ' οὐ περὶ νικητηρίων τῶν λόγων ὄντων, ἢ καὶ χάριν τιθεμένων διὰ τῶν τοιούτων τοῖς ἀμελοῦσιν ὑμῶν, ἀλλ' οὐ διὰ τῶν βελτιόνων τοῖς ὑπηρετοῦσιν ἃ δεῖ χαρίζεσθαι προσῆκον. ἔπειθ' οὕτως ὀλιγωροῦσι τοῦ δοκεῖν ἐπιεικεῖς εἶναι, καὶ παντελῶς τᾶλλα πάρεργα πρὸς τὸ λαβεῖν νομίζουσιν, ὥστ' οὐ μόνον τοῖς πρότερον ῥηθείσιν ὑφ' αὐτῶν ἐναντία τολμῶσι δημηγορεῖν, ἀλλὰ καὶ νῦν οὐ ταῦτὰ λέγουσιν ἑαυτοῖς, οἷτινες τοὺς μὲν ναύτας φασὶ δεῖν οἰκείους εἶναι τῆς τριήρους τῆς ληψομένης τὸν στέφανον, τῶν δὲ τριηράρχων τοὺς ἠλλοτριωκότας αὐτοὺς ἀπὸ τῆς
- 18 λητουργίας, τούτους στεφανῶσαι κελεύουσι. καὶ φασὶ μὲν οὐδένα τούτων πρότερον παρασκευάσασθαι, κελεύουσι δὲ κοινῇ στεφανοῦν ἡμᾶς, τοῦ ψηφίσματος οὐ ταῦτα λέγοντος. ἐγὼ δὲ τοσοῦτου δέω τοῦτο συγχωρεῖν, ὅσουπερ καὶ μεμισθωκέναι τὴν τριηραρχίαν· οὔτε γὰρ τοῦθ' ὑπομείναιμ' ἂν οὔτ' ἐκεῖν' ἐποίησα. προσποιοῦνται μὲν τοίνυν ὑπὲρ τοῦ δικαίου συνηγορεῖν, σπουδάζουσιν δὲ μᾶλλον ἢ προῖκ' ἂν τις ὑμῶν πράττων, ὥσπερ ἄξια τοῦ μισθοῦ ποιῆσαι προσῆκον ἑαυτοῖς, ἀλλ'
- 19 οὐ γνώμην ἀποφῆναςθαι. εἶθ' ὥσπερ οὐχὶ πολιτείας κοινῆς μετέχοντες καὶ διὰ ταῦτα τῷ βουλομένῳ λέγειν ἐξόν, ἀλλ' ἱερωσύνην ἰδίαν αὐτοῖ τινά

## ON THE TRIERARCHIC CROWN, 16-19

and were bitter against those who let out their trierarchies, now bid you to crown these people here ; and they prove one or the other of two things against themselves. Either in the former instance they brought forward charges that were baseless, or they have now been bribed to plead the cause of my opponents ; and they bid you grant them a favour, 17 as if the argument were about a gift instead of a prize, or as if you, at the instance of men like them, were seeking to win the favour of those who neglect your interests, and as if it were not rather your duty, at the instance of better men, to show favour to those who serve you as they should. Then again, they care so little for a good reputation, and are so thoroughly of the opinion that everything is of secondary importance compared with gain, that they not only have the audacity to contradict in their public speeches what they said before, but even now their statements do not agree ; for they assert that the trireme which is to win the crown should have its proper crew on board, yet they bid you crown the trierarchs who have let their service devolve upon others. And they state that no one got his ship in 18 readiness before my opponents did, yet they bid you crown us jointly, which is not what the decree orders. I am as far from granting this as I am from having let out my trierarchy ; I would not submit to the one, nor have I done the other. They pretend to be pleading in the interests of justice, but they show more zeal than any one of you would do without reward, as though their duty was to earn their pay, not to give an opinion. And then, as if they were not 19 members of a free state, in which because of this fact anyone who chooses has the right to speak, but

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- ταύτην ἔχοντες, ἐὰν ὑπὲρ τῶν δικαίων ἐν ὑμῖν τις εἴπη, δεινὰ πάσχουσι καὶ θρασὺν εἶναί φασιν. καὶ εἰς τοσοῦτον ἀναισθησίας προήκουσιν, ὥστ' οἴονται τὸν ἅπαξ εἰρηκότ' ἂν καλέσωσιν ἀναιδῆ, σφᾶς αὐτοὺς τοὺς πάντα τὸν βίον καλοὺς κάγαθοὺς νομίζεσθαι. καίτοι διὰ μὲν τὰς τούτων δημη-  
 [1234] γορίας πολλὰ χεῖρον ἔχει, διὰ τοὺς δ' οἰομένους δεῖν τὰ δίκαι' ἀντιλέγειν οὐ πάντ' ἀπόλωλεν. τοιούτους τοίνυν τοὺς συνεροῦντας αὐτοῖς παρεσκευασμένοι, καὶ τοσαύτην βλασφημίαν εἰδότες οὔσαν καθ' ἑαυτῶν τοῖς βουλομένοις τι λέγειν φλαῦρον, ὅμως εἰς λόγον ἠξίωσαν καταστήναι καὶ κακῶς τιν' ἐτόλμησαν εἰπεῖν, οἷς ἀγαπητὸν ἦν μὴ πάσχουσι κακῶς αὐτοῖς.
- 21 Τοῦ τοίνυν τούτους ἀδίκους εἶναι καὶ θρασεῖς, οὐδένες ὑμῶν εἰσιν αἰτιώτεροι· παρὰ γὰρ τῶν λεγόντων, οὓς ἴστ' ἐπὶ μισθῷ τοῦτο πράττοντας, πυνθάνεσθε ποῖόν τιν' ἕκαστον δεῖ νομίζειν· οὐκ αὐτοὶ θεωρεῖτε. καίτοι πῶς οὐκ ἄτοπον, τούτους μὲν αὐτοὺς πονηροτάτους τῶν πολιτῶν νομίζειν, τοὺς δ' ὑπὸ τούτων ἐπαινουμένους χρηστοὺς  
 22 ἠγείσθαι; καὶ γὰρ τοι πάντα δι' αὐτῶν ποιοῦνται, καὶ μόνον οὐχ ὑπὸ κήρυκος πωλοῦσι τὰ κοινά, καὶ στεφανοῦν, ὃν ἂν αὐτοῖς δοκῆ, καὶ μὴ στεφανοῦν κελεύουσι, κυριωτέρους αὐτοὺς τῶν ὑμετέρων δογμάτων καθιστάντες. ἐγὼ δ' ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, παραινῶ, μὴ ποιεῖν τὴν τῶν ἀναλίσκειν ἐβελόντων φιλοτιμίαν ἐπὶ τῇ τῶν λεγόντων πλεον-

## ON THE TRIERARCHIC CROWN, 19-22

as if they possessed this right as a sort of sacred prerogative of their own, if any man speaks in your midst in defence of what is right, they feel themselves grossly wronged, and say that he is an impudent fellow. And they have gone so far in their senseless folly, that they think that, if they call a man impudent who has spoken but once, they will themselves be thought good and worthy men all their lives. Yet it <sup>20</sup> is because of the public speeches of these men that many matters are going from bad to worse, while it is owing to those who honestly oppose them that not everything is lost. Such are the pleaders, then, that my opponents have engaged to speak on their behalf, and so readily open to attack are they themselves for any who wish to speak any ill of them (as they well know); yet they have seen fit to contest this matter, and they have had the audacity to speak ill of another, when they should have been well content to keep out of trouble themselves.

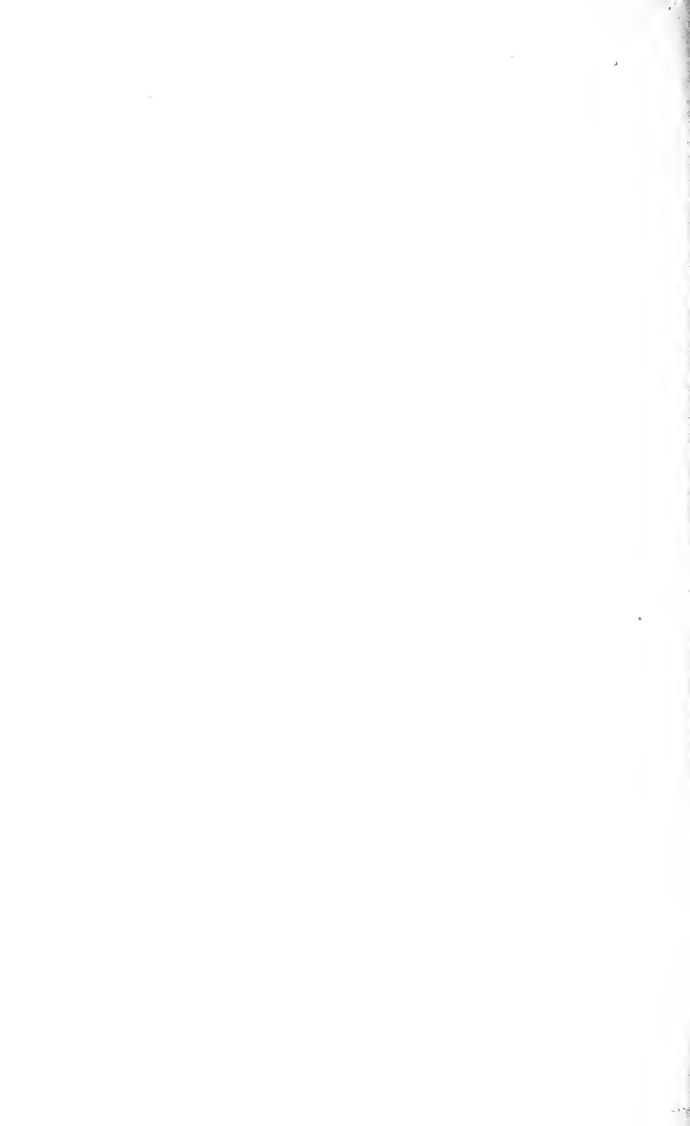
For the wrongdoing and insolence of these men <sup>21</sup> nobody is more to blame than yourselves; for you inquire what the character of every man is from the speakers who you know are doing what they do for pay; you do not investigate for yourselves. Yet is it not absurd for you to consider these orators themselves the basest of your citizens, but to regard those whom they praise as worthy men? For they are their own <sup>22</sup> masters in all that they do, and they all but sell the public weal by the voice of the common crier; and they order you to crown, or not to crown, whomsoever they will, setting themselves up as superior to your decrees. I advise you, men of Athens, not to allow the ambitions of those who are ready to lavish their money to be dependent upon the greed of those who

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εξία. εἰ δὲ μή, διδάξετε πάντας, τὰ μὲν ὑφ' ὑμῶν  
προσταττόμεν' ὡς εὐτελέστατα διοικεῖν, τοὺς δ'  
ὑπὲρ τούτων ἀναιδῶς εἰς ὑμᾶς ψευσομένους ὡς  
πλείστους μισθοῦσθαι.

## ON THE TRIERARCHIC CROWN, 22

serve as pleaders. Otherwise you will teach all to perform the duties imposed by you with the least possible outlay, but to hire the largest number of people possible to utter impudent falsehoods before you in support of their claims.





AGAINST CALLIPPUS

## INTRODUCTION

APOLLODORUS in this speech appears as defendant in a suit brought by Callippus, proxenos of the Heracleotes, to recover a sum of money (one thousand six hundred and forty drachmae) which, the plaintiff claims, had been wrongfully paid by the defendant's father, the banker Pasion, to a certain Cephisiades.

The facts leading up to the suit, as we learn from the present speech, were the following. Lycon, of Heraclea, when on the point of setting out for Libya, deposited this money in Pasion's bank, leaving instructions that it should be paid to his associate, Cephisiades, when the latter should reach Athens. The ship in which Lycon sailed was attacked by privateers in the Argolic Gulf, and he was himself so severely wounded that he died after being taken to Argos. The property which he had with him was put into the hands of the proxenos of the Heracleotes at Argos. When the news of Lycon's death reached Athens, Callippus went to Pasion's bank and made inquiry as to whether Lycon had left any money there. He was informed of the facts and was shown the entry on the books of the bank, but he took no immediate action; and upon Cephisiades' reaching Athens the sum on deposit was duly paid over to him according to the instructions given by Lycon.

After this Callippus approached Pasion, declaring

## AGAINST CALLIPPUS

that the money should properly have been paid to himself, and endeavoured to persuade Pasion to induce Cephisiades to return the money rather than risk incurring the enmity of so important a personage as the proxenos of the Heracleotes. Nothing came of this, and after waiting for three years Callippus brought suit against Pasion, who was then in feeble health, for having wrongfully, as the plaintiff charged, paid out the money. The matter was referred to a private arbitrator, but Pasion died before the award was made.

A fresh suit was then instituted by Callippus against Apollodorus and his minor brother Pasicles. Apollodorus agreed to have the matter referred to the same arbitrator as before, but only on order of the magistrate, thus reserving to himself the right of appeal, and when the award was given in favour of Callippus he appealed to a jury. The case therefore came into court.

Apollodorus claims with apparent justice that the award was invalid inasmuch as the arbitrator had decided the case without being sworn, and argues quite convincingly that the claim of Callippus is without foundation.

The speech is of high interest because of the light which it throws on the method of conducting banking business in Athens, and the functions of the proxenos. It is discussed in Schaefer, iii. pp. 134 ff., and in Blass, iii. pp. 514 ff.

## LII

### ΠΡΟΣ ΚΑΛΛΙΠΠΟΝ

Οὐκ ἔστι χαλεπώτερον οὐδέν, ὧ ἄνδρες δικασταί,  
 ἢ ὅταν ἄνθρωπος δόξαν ἔχων καὶ δυνάμενος εἰπεῖν,  
 τολμᾷ ψεύδεσθαι καὶ μαρτύρων εὐπορῆ. ἀνάγκη  
 [1236] γάρ ἐστι τῷ φεύγοντι, μηκέτι περὶ τοῦ πράγματος  
 μόνον λέγειν, ἀλλὰ καὶ περὶ αὐτοῦ τοῦ λέγοντος,  
 2 ὡς οὐκ εἰκὸς αὐτῷ διὰ τὴν δόξαν πιστεύειν. εἰ  
 γὰρ ἔθος καταστήσετε, τοῖς δυναμένοις εἰπεῖν καὶ  
 δόξαν ἔχουσι μᾶλλον πιστεύειν ἢ τοῖς ἀδυνατω-  
 τέροις, ἐφ' ὑμῖν αὐτοῖς ἔσεσθε τὸ ἔθος τοῦτο  
 κατεσκευακότες. δέομαι οὖν ὑμῶν, εἴπερ τι καὶ  
 ἄλλο πώποτε πράγμα αὐτὸ καθ' αὐτὸ ἐδικάσατε,  
 μηδὲ μεθ' ἑτέρων τὴν γνώμην γενόμενοι, μήτε μετὰ  
 τῶν διωκόντων μήτε μετὰ τῶν φευγόντων, ἀλλὰ  
 τὸ δίκαιον σκεψάμενοι, οὕτω καὶ νῦν διαγνῶναι.  
 ἐξ ἀρχῆς δ' ὑμῖν διηγῆσομαι.  
 3 Λύκων γὰρ ὁ Ἡρακλεώτης, ὧ ἄνδρες δικασταί,  
 οὗτος ὄν καὶ αὐτὸς λέγει, τῇ τραπέζῃ τῇ τοῦ  
 πατρὸς ἐχρήτο, ὥσπερ καὶ οἱ ἄλλοι ἔμποροι, ξένος  
 μὲν ὢν Ἀριστόνοω τῷ Δεκελεῖ καὶ Ἀρχεβιάδῃ τῷ  
 Λαμπρεῖ, ἄνθρωπος δέ τις σῶφρων. οὗτος ἐπειδὴ

<sup>a</sup> Heraclea, a colony of the Megarians and Boeotians on the coast of Bithynia, on the Black Sea.

<sup>b</sup> Decelea, a deme of the tribe Hippothontis.

## LII

### APOLLODORUS AGAINST CALLIPPUS

THERE is no situation harder to deal with, men of the jury, than when a man possessing both reputation and ability to speak is audacious enough to lie and is well provided with witnesses. For it becomes necessary for the defendant, no longer to speak merely about the facts of the case, but about the character of the speaker as well, and to show that he ought not to be believed on account of his reputation. If you are to establish the custom, that those who are able speakers and who enjoy a reputation are more to be believed than men of less ability, it will be against yourselves that you will have established this custom. I beg you therefore, if you ever decided any other case upon its merits, without becoming partisans of either side; whether the plaintiff's or the defendant's, but looking to justice alone, to decide the present case upon these principles. And I shall set forth the facts to you from the beginning.

Lycon, the Heraclote,<sup>a</sup> men of the jury, of whom 3 the plaintiff himself makes mention, was a customer of my father's bank like the other merchants, a guest-friend of Aristonoüs of Decelea <sup>b</sup> and Archebiades of Lamptrae,<sup>c</sup> and a man of prudence. This Lycon, when

<sup>a</sup> Lamptrae, a deme of the tribe Eretheis.

ἐκπλεῖν ἔμελλον εἰς τὴν Λιβύην, διαλογισάμενος πρὸς τὸν πατέρα τὸν ἐμὸν ἐναντίον Ἀρχεβιάδου καὶ Φρασίου, προσέταξε τὸ ἀργύριον ὃ κατέλειπεν (ἦν δὲ τοῦτο ἑκκαίδεκα μναὶ καὶ τετταράκοντα δραχμαί, ὡς ἐγὼ ὑμῖν πάννυ ἀκριβῶς ἐπιδείξω) Κηφισιάδῃ ἀποδοῦναι, λέγων ὅτι κοινωνὸς εἶη αὐτοῦ ὁ Κηφισιάδης οὗτος, οἰκῆτωρ μὲν ὢν ἐν Σκύρω, ἐν δὲ τῷ παρόντι ἐφ' ἑτέρα ἀποδημῶν

4 ἐμπορία. δεῖξαι δ' αὐτὸν τῷ πατρὶ τῷ ἐμῷ καὶ συστήσαι τῷ Ἀρχεβιάδῃ καὶ τῷ Φρασίᾳ προσέταξεν, ἐπειδὴ ἦκοι ἐκ τῆς ἀποδημίας. εἰώθασι δὲ πάντες οἱ τραπεζίται, ὅταν τις ἀργύριον τιθεῖς ἰδιώτης ἀποδοῦναί τῳ προστάτῃ, πρῶτον μὲν τοῦ θέντος τοῦνομα γράφειν καὶ τὸ κεφάλαιον τοῦ

[1237] ἀργυρίου, ἔπειτα παραγράφειν “ τῷ δεῖνι ἀποδοῦναι δεῖ,” καὶ ἐὰν μὲν γινώσκωσι τὴν ὄψιν τοῦ ἀνθρώπου ᾧ ἂν δέῃ ἀποδοῦναι, τοσοῦτο μόνον ποιεῖν, γράψαι ᾧ δεῖ ἀποδοῦναι, ἐὰν δὲ μὴ γινώσκωσι, καὶ τούτου τοῦνομα προσπαραγράφειν, ὃς ἂν μέλλῃ συστήσειν καὶ δείξειν τὸν ἄνθρωπον, ὃν

5 ἂν δέῃ κομίσασθαι τὸ ἀργύριον. τύχης δὲ συμβάσης τοιαύτης τῷ Λύκωνι τούτῳ, ὥστε εὐθὺς ἐκπλέοντα αὐτὸν περὶ τὸν Ἀργολικὸν κόλπον ὑπὸ ληστρίδων νεῶν τά τε χρήματα καταχθῆναι εἰς Ἄργος καὶ αὐτὸν τοξευθέντα ἀποθανεῖν, ἔρχεται ἐπὶ τὴν τράπεζαν Κάλλιππος οὕτοσι εὐθὺς ἐρωτῶν, Λύκωνα Ἡρακλεώτην εἰ γινώσκοιεν. ἀποκριναμένου δὲ Φορμίωνος τουτουὶ ὅτι γινώσκοιεν, “ ἄρα καὶ ἐχρήτο ὑμῖν ”; ἔφη ὁ Φορμίων· “ ἀλλὰ πρὸς τί ἐρωτᾷς; ” “ πρὸς ὅ τι; ” ἔφη· “ ἐγὼ σοι

## AGAINST CALLIPPUS, 3-5

he was about to set out on a voyage to Libya, reckoned up his account with my father in the presence of Archebiades and Phrasias, and ordered my father to pay the money which he left (it was sixteen minae forty drachmae, as I shall show you very clearly) to Cephisiades, saying that this Cephisiades was a partner of his, a resident of Scyros,<sup>a</sup> but was for the time being abroad on another mercantile enterprise. He instructed Archebiades and Phrasias to point him 4 out and introduce him to my father, when he should return from his journey. It is the custom of all bankers, when a private person deposits money and directs that it be paid to a given person, to write down first the name of the person making the deposit and the amount deposited, and then to write on the margin "to be paid to so-and-so"; and if they know the face of the person to whom payment is to be made, they do merely this, write down whom they are to pay; but, if they do not know it, it is their custom to write on the margin the name also of him who is to introduce and point out the person who is to receive the money. For a grievous misfortune befell this Lycon. No sooner had he set out, and was sailing 5 around the Argolic gulf, than his ship was captured by pirate vessels and his goods taken to Argos, while he himself was shot down by an arrow, and met his death. Immediately after this mischance this man Callippus came to the bank, and asked whether they knew Lycon, the Heracleote. Phormion, who is here present, answered that they knew him. "Was he a customer of yours?" "He was," said Phormion, "but why do you ask?" "Why?" said he, "I will tell you.

<sup>a</sup> Scyros, an island in the Aegean, east of Euboea.

- έρῳ. ἐκεῖνος μὲν τετελεύτηκεν, ἐγὼ δὲ προξενῶν τυγχάνω τῶν Ἡρακλεωτῶν. ἀξιῶ δὴ σε δεῖξαι μοι τὰ γράμματα, ἵν' εἰδῶ εἴ τι καταλέλοιπεν ἀργύριον· ἐξ ἀνάγκης γάρ μοι ἐστὶν ἀπάντων
- 6 Ἡρακλεωτῶν ἐπιμελεῖσθαι." ἀκούσας δ' αὐτοῦ ὁ Φορμίων, ὃ ἄνδρες δικασταί, ἔδειξεν εὐθέως παραχρῆμα. δείξαντος δὲ αὐτοῦ τὸ γραμματεῖον, ἀναγνοὺς αὐτὸς καὶ ἄλλος οὐδεὶς, καὶ ἰδὼν γεγραμμένον ἐν αὐτῷ " Λύκων Ἡρακλεώτης χιλίας ἑξακοσίας τετταράκοντα· Κηφισιάδῃ ἀποδοῦναι δεῖ· Ἀρχεβιάδης Λαμπρεὺς δεῖξει τὸν Κηφισιάδην," ὥχето ἀπιὼν σιωπῇ, καὶ πλεόν ἢ πέντε
- 7 μηνῶν οὐδένα λόγον ἐποίησατο. ἐπιδημήσαντος δὲ τοῦ Κηφισιάδου μετὰ ταῦτα καὶ προσελθόντος
- [1238] πρὸς τὴν τράπεζαν καὶ ἀπαιτοῦντος τὰ χρήματα, παρόντος δέ, ὃ ἄνδρες δικασταί, Ἀρχεβιάδου καὶ τοῦ Φρασίου, οὗς ὁ Λύκων τῷ πατρὶ συνέστησε καὶ ἐκέλευσε τὸν Κηφισιάδην δεῖξαι ὡς εἶη, ἐπειδὴ ἔλθοι, παρόντων δὲ καὶ ἄλλων, ἑξαριθμήσας αὐτῷ τὰς ἑκκαίδεκα μνᾶς καὶ τετταράκοντα δραχμὰς ἀπέδωκε Φορμίων οὕτοσί.
- Ὡς δὲ ἀληθῆ λέγω, τούτων ἀπάντων ὑμῖν τὰς μαρτυρίας ἀναγνώσεται.

ΜΑΡΤΥΡΙΑΙ

- 8 "Ὅτι μὲν ἀληθῆ ἅπαντα εἶπον πρὸς ὑμᾶς, ὃ ἄνδρες δικασταί, τῶν μαρτυριῶν ἀκηκόατε. προσελθὼν δὲ συχνῶ χρόνῳ ὕστερον πρὸς τὸν πατέρα Κάλλιππος οὕτοσί ἐν ἄστει, ἤρητο αὐτὸν εἰ ἤδη ἐπιδεδημηκῶς εἶη ὁ Κηφισιάδης, ὅτῳ γεγραμμένον εἶη ἀποδοῦναι τὸ ἀργύριον τὸ ὑπὸ τοῦ

<sup>a</sup> The proxenos was a sort of consular agent, empowered



## AGAINST CALLIPPUS, 5-8

He is dead, and, as it happens, I am proxenos <sup>a</sup> of the Heracleotes. I demand therefore that you show me your books, that I may know whether he has left any money ; for I must of necessity look after the affairs of all the men of Heraclea." On hearing this, men of 6 the jury, Phormion immediately showed him the books, and, when he had done so, and Callippus (it was he himself, and not another) had read them, and had seen in them the entry, "Lycon, the Heracleote, sixteen hundred and forty drachmae, to be paid to Cephisiades ; Archebiades of Lamptrae will identify Cephisiades," he went off in silence and for more than five months made no mention of the matter. After this Cephisiades, having returned to Athens, 7 came to the bank and demanded the money, and in the presence of Archebiades and Phrasias, men of the jury, the persons whom Lycon had introduced to my father, and had bidden to identify Cephisiades, when he should return and in the presence of other witnesses also, Phormion, who is here in court, counted out and paid him the sixteen minae forty drachmae.

To prove that I am speaking the truth, the clerk shall read you the depositions which bear upon all these facts.

### THE DEPOSITIONS

That all I have told you is true, men of the jury, you 8 have learned from the depositions. However, a long time after this, the plaintiff Callippus came up to my father in the city, and asked him if Cephisiades, to whom according to the entry in the book the money left by Lycon the Heracleote was to be paid, had to act in the interest of his country and his countrymen in a foreign state.

- Λύκωνος τοῦ Ἡρακλεώτου καταλειφθέν. ἀποκρινα-  
 μένου δὲ τοῦ πατρὸς ὅτι οἶοιτο μὲν, εἰ μέντοι  
 βούλοιτο εἰς Πειραιᾶ καταβῆναι, τὴν ἀκρίβειαν  
 εἴσοιτο, “οἶσθά τοι,” ἔφη, “ὅ τι ἐστίν, ὦ Πασίων,  
 9 ὃ σε ἐρωτῶ;” (καὶ μὰ τὸν Δία καὶ τὸν Ἀπόλλω  
 καὶ τὴν Δήμητρα, οὐ ψεύσομαι πρὸς ὑμᾶς, ὦ  
 ἄνδρες δικασταί, ἀλλ’ ἂ τοῦ πατρὸς ἤκουον, δι-  
 ηγήσομαι ὑμῖν). “ἔξεστί σοι,” ἔφη, “ἐμέ τε εὖ  
 ποιῆσαι καὶ αὐτὸν μηδὲν βλαβῆναι. προξενῶν μὲν  
 γὰρ τυγχάνω τῶν Ἡρακλεωτῶν, βούλοιο δ’ ἄν,  
 ὡς οἶμαι ἐγώ, ἐμέ μᾶλλον τὸ ἀργύριον λαβεῖν, ἢ  
 τὸν μέτοικον ἄνθρωπον καὶ ἐν Σκύρῳ κατοικοῦντα  
 καὶ οὐδενὸς ἄξιον. συμβέβηκε δὲ τοιοῦτόν τι· ὁ  
 Λύκων τυγχάνει ὢν καὶ ἄπαις καὶ κληρονόμον  
 οὐδένα οἶκοι καταλιπών, ὡς ἐγὼ πυνθάνομαι.  
 10 πρὸς δὲ τούτῳ, ἐπειδὴ εἰς Ἄργος κατήχθη τετρω-  
 μένος, τῷ προξένῳ τῶν Ἡρακλεωτῶν τῷ Ἀρ-  
 Στραμμένῳ τὰ χρήματα δέδωκεν, ἂ κατήχθη μετ  
 αὐτοῦ. οἷος οὖν εἶμι καὶ ἐγὼ τὰ ἐνθάδε αὐτὸς  
 ἀξιοῦν λαμβάνειν· ἠγοῦμαι γὰρ δίκαιος εἶναι ἔχειν.  
 [1239] σὺ οὖν, εἰ ἄρα μὴ ἀπειλήφε, λέγε ὅτι ἐγὼ ἀμφισ-  
 βητῶ, ἂν ἄρα ἔλθῃ ὁ Κηφισιάδης. εἰ δ’ ἄρα  
 ἀπειλήφε, λέγε ὅτι ἐγὼ μάρτυρας ἔχων ἠξίου  
 ἐμφανῆ καταστήσαι τὰ χρήματα ἢ τὸν κεκομι-  
 σμένον, καὶ εἴ τίς με βούλεται ἀφελέσθαι, πρόξενον  
 11 ὄντα ἀφαιρεθῆναι.” ἐπειδὴ δὲ αὐτῷ εἶρητο,  
 “ἐγώ,” ἔφη ὁ πατήρ, “ὦ Κάλλιππε, χαρίζεσθαι  
 μὲν σοι βούλομαι (καὶ γὰρ ἂν καὶ μαινοίμην, εἰ μὴ),  
 οὕτω μέντοι, ὅπως αὐτὸς τε μὴ χείρων δόξω εἶναι  
 καὶ ἐκ τοῦ πράγματος μηδὲν ζημιώσομαι. εἰπεῖν  
 μὲν οὖν μοι ταῦτα πρὸς τὸν Ἀρχεβιάδην καὶ τὸν  
 Ἀριστόνου καὶ πρὸς αὐτὸν δὲ τὸν Κηφισιάδην

## AGAINST CALLIPPUS, 8-11

returned to Athens. On my father's replying that he thought so, but, if he wanted to go down to the Peiræus, he would find out the truth, Callippus said to him, "Do you know, Pasion, what it is that I am asking you?"—(and by Zeus and Apollo and Demeter, I shall make no false statement to you, men of the jury, but shall relate to you what I heard from my father)—"You have a chance," he continued, "to do a good turn to me, and no harm to yourself. It happens that I am proxenos of the Heracleotes, and you would be glad, I should think, to have me get the money rather than an alien who resides in Scyros, and is a man of no account. Matters have turned out like this. Lycon was without children, and has left, as I am informed, no heir in his house. More than this, when he was brought to Argos, wounded, he gave to Strammenus, the Argive proxenos of the Heracleotes, the property which was brought in with him. I, therefore, am likewise in a position to claim the money that is here; for I think it is right that I should have it. Do you, therefore, if Cephisiades has not recovered it, say, if he should come here, that I dispute his claim; and if he has recovered it, say that I came with witnesses and demanded that the money be produced, or the person who has received it; and, if anyone tries to defraud me, let him know that he is defrauding a proxenos." After he had spoken thus, my father answered, "Callippus, I want to oblige you (I should be mad, if I did not), but on this condition, that I shall not damage my own reputation, nor suffer any loss through the business; to suggest what you propose to Archebiades and Aristonoüs and to Cephisiades himself, can cause me no trouble; but

οὐδὲν διαφέρει· ἐὰν μέντοι μὴ θέλωσι ταῦτα ποιεῖν εἰπόντος ἐμοῦ, αὐτὸς ἤδη διαλέγου αὐτοῖς.” “ ἀμέλει,” ἔφη οὗτος, “ ὦ Πασίων, ἐὰν βούλη σὺ ἀναγκάσεις αὐτοὺς ταῦτα ποιῆσαι.”

12 “ Ἄ μὲν διελέχθη, ὦ ἄνδρες δικασταί, οὗτος μὲν τῷ πατρί, ἐκείνος δὲ τῷ Ἀρχεβιάδῃ καὶ τῷ Κηφισιάδῃ τούτου δεηθέντος καὶ τούτῳ χαριζόμενος, ταῦτ’ ἔστιν, ἐξ ὧν κατὰ μικρὸν ἡ δίκη αὕτη πέπλασται· ὧν ἐγὼ ἤθελον τούτῳ ταύτην ἥτις εἴη

13 ἀκούειν. οὗτος δὲ ὁ ἀξίων ὑφ’ ὑμῶν πιστεῦεσθαι ὡς ἀληθῆ λέγων, τρία ἔτη διαλιπών, ἐπειδὴ τὸ πρῶτον διαλεχθέντος τοῦ πατρὸς τῷ Ἀρχεβιάδῃ καὶ τοῖς ἄλλοις τοῖς Κηφισιάδου ἐπιτηδείοις οὐκ ἔφασαν Καλλίππῳ προσέχειν τὸν νοῦν οὐδ’ οἷς λέγει, ἐπειδὴ ἦσθετο ἀδυνάτως ἤδη ἔχοντα τὸν

14 [1240] πατέρα καὶ μόλις εἰς ἄστν ἀναβαίνοντα καὶ τὸν ὀφθαλμὸν αὐτὸν προδιδόντα, λαγχάνει αὐτῷ δίκην, οὐ μὰ Δί’ οὐχ ὥσπερ νῦν ἀργυρίου, ἀλλὰ βλάβης, ἐγκαλέσας βλάπτειν ἑαυτὸν ἀποδιδόντα Κηφισιάδῃ τὸ ἀργύριον, ὃ κατέλιπε Λύκων ὁ Ἡρακλεώτης παρ’ αὐτῷ, ἄνευ αὐτοῦ ὁμολογήσαντα μὴ ἀποδώσειν. λαχὼν δὲ παρὰ μὲν τοῦ διαιτητοῦ ἀνείλετο τὸ γραμματεῖον, προῦκαλέσατο δ’ αὐτὸν ἐπιτρέψαι

15 Λυσιθείδῃ, αὐτοῦ μὲν καὶ Ἰσοκράτους καὶ Ἀφάρεως ἐταίρω, γνωρίμῳ δὲ τοῦ πατρός. ἐπιτρέψαντος δὲ τοῦ πατρός, ὃν μὲν χρόνον ἔζη ὁ πατήρ, ὅμως καίπερ οἰκείως ἔχων τούτοις ὁ Λυσιθείδης οὐκ ἐτόλμα οὐδὲν εἰς ἡμᾶς ἐξαμαρτάνειν. καίτοι οὕτω τινὲς ἀναίσχυντοι τῶν οἰκείων τῶν τούτου,

## AGAINST CALLIPPUS, 11-15

if they do not choose to do as you say at my suggestion, you must talk to them yourself." "Be easy in your mind, Pasion," said he; "if you like, you will force them to do what I want."

This, men of the jury, is what the plaintiff said to 12 my father, and what my father repeated to Archebiades and Cephisiades at the plaintiff's request and as a favour to him; and from this, little by little, this suit has been got up. I was ready to swear by the most solemn of oaths, that I verily heard these statements from my father. The plaintiff, however, who 13 demands that you believe him as one speaking the truth, waited for three years after my father had spoken for the first time to Archebiades and the other friends of Cephisiades, and after they had refused to pay any attention to Callippus or to what he said; then, when he learned that my father was in poor health, and had difficulty in coming up to the city, and that his sight was failing, he brought an action against 14 him, not indeed an action for money, like the present one, but an action for damages, declaring that my father had wrought him injury by paying to Cephisiades the money which Lycon, the Heracleote, had left in his keeping after having promised not to pay it without the plaintiff's consent. After he had brought suit, he took back the papers from the public arbitrator, and challenged my father to refer the case to Lysitheides, a friend of Callippus himself and of Isocrates and Aphareus,<sup>a</sup> and an acquaintance of my father. My father gave his consent, and during his 15 lifetime Lysitheides despite his intimacy with these men did not venture to commit any wrong against us. And yet some of the plaintiff's friends are so lacking

<sup>a</sup> These were doubtless the famous orator and the tragic poet.

ὥστε ἐτόλμησαν μαρτυρῆσαι, ὡς ὁ μὲν Κάλλιππος ὄρκον τῷ πατρὶ δοίη, ὁ δὲ πατὴρ οὐκ ἐθέλοι ὁμόσαι παρὰ τῷ Λυσιθείδῃ, καὶ οἴονται ὑμᾶς πείσειν ὡς ὁ Λυσιθείδης, οἰκείος μὲν ὢν τῷ Καλλίππῳ, διαιτῶν δὲ τὴν δίαιταν, ἀπέσχετ' ἂν μὴ οὐκ εὐθύς τοῦ πατρὸς καταδιαιτῆσαι, αὐτοῦ γε ἑαυτῷ μὴ θέλοντος δικαστοῦ γενέσθαι τοῦ πατρὸς.

- 16 Ὡς δὲ ἐγὼ μὲν ἀληθῆ λέγω, οὗτοι δὲ ψεύδονται, πρῶτον μὲν αὐτὸ ὑμῖν τοῦτο γενέσθω τεκμήριον, ὅτι κατεγνώκει ἂν αὐτοῦ ὁ Λυσιθείδης, καὶ ὅτι ἐγὼ ἐξούλης ἂν ἔφευγον νῦν, ἀλλ' οὐκ ἀργυρίου δίκην· πρὸς δὲ τούτῳ ἐγὼ ὑμῖν τοὺς παρόντας ἐκάστοτε τῷ πατρὶ ἐν ταῖς συνόδοις ταῖς πρὸς τοῦτον, αἱ παρὰ τῷ Λυσιθείδῃ ἐγίγνοντο, μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

- 17 Ὅτι μὲν οὐ προκαλεσάμενος εἰς ὄρκον τὸν πατέρα τότε, νυνὶ ἐκείνου τετελευτηκότος καταψεύδεται, [1241] καὶ κατ' ἐμοῦ ῥαδίως τὰ ψευδῆ μαρτυροῦντας τοὺς οἰκείους τοὺς ἑαυτοῦ παρέχεται, ἕκ τε τῶν τεκμηρίων καὶ ἐκ τῆς μαρτυρίας ταύτης ῥάδιον ὑμῖν εἰδέναί. ὅτι δὲ ἐγὼ ὑπὲρ τοῦ πατρὸς ἠθέλησα αὐτῷ πίστιν δοῦναι ἤνπερ ὁ νόμος κελεύει, εἴαν τις
- 18 τεθνεῶτι ἐπικαλῶν δικάζηται τῷ κληρονόμῳ, μὴ δοκεῖν μοι μήτε ὁμολογῆσαι τὸν πατέρα τούτῳ ἀποδώσειν τὸ ἀργύριον ὃ κατέλιπε Λύκων, μήτε συσταθῆναι αὐτὸν τῷ πατρὶ ὑπὸ τοῦ Λύκωνος, καὶ Φορμίων, ἢ μὴν διαλογίσασθαί τε ἐναντίον Ἀρχεβιάδου τῷ Λύκωνι αὐτός, καὶ προσταχθῆναι αὐτῷ

<sup>a</sup> By refusing, that is, to take the oath on the basis of which the award would have been made.

## AGAINST CALLIPPUS, 15-18

in shame, that they had the audacity to depose that Callippus challenged my father to take an oath, and that my father refused to swear before Lysitheides; and they imagine that they can convince you that in that case Lysitheides, a friend of Callippus and the one acting as arbitrator in the case, would have refrained from making an immediate award against my father, especially since my father thus refused to make himself the judge of his own case.<sup>a</sup>

That I am telling the truth and that these men 16 are lying, is proved, I claim, by the very fact that Lysitheides would have made the award against my father, and that I should now be defendant in an ejectment suit, and not in an action for money; and, besides this, I shall bring before you as witnesses the persons who were present on the various occasions when I met the plaintiff before Lysitheides.

### THE WITNESSES

That he did not challenge my father to an oath at 17 that time, but now maligns him after his death, and brings forward his own intimates who recklessly bear false witness against me, you can easily see from the circumstantial evidence and from the deposition. And that I was ready on my father's behalf to take the oath which the law prescribes when an heir is sued in court on a charge brought against one who is dead,—that, namely, I believed that my father never 18 agreed to pay the plaintiff the money which Lycon left, and that the plaintiff was not introduced to my father by Lycon; and Phormion was ready to swear that in very truth he had himself reckoned up the amount with Lycon in the presence of Archebiades, and that instructions were given him to pay the

## DEMOSTHENES

19 Κηφισιάδῃ ἀποδοῦναι τὸ ἀργύριον, τὸν δὲ Κηφισιάδην δεῖξαι αὐτῷ τὸν Ἄρχεβιάδην, καὶ ὅτε Κάλλιππος προσῆλθε τὸ πρῶτον πρὸς τὴν τράπεζαν, λέγων ὅτι τετελευτηκῶς εἶη ὁ Λύκων καὶ αὐτὸς ἀξιοίῃ τὰ γράμματα ἰδεῖν, εἴ τι καταλελοιπῶς εἶη ὁ ξένος ἀργύριον, ἢ μὴν δείξαντος ἑαυτοῦ εὐθύς αὐτῷ τὰ γράμματα, ἰδόντα αὐτὸν τῷ Κηφισιάδῃ γεγραμμένον ἀποδοῦναι, σιωπῇ οἴχεσθαι ἀπιόντα, οὐδὲν οὔτε ἀμφισβητήσαντα οὔτ' ἀπειπόνθ' αὐτῷ περὶ τοῦ ἀργυρίου, τούτων ὑμῖν τὰς τε μαρτυρίας ἀμφοτέρας καὶ τὸν νόμον ἀναγνώσεται.

### ΜΑΡΤΥΡΙΑΙ. ΝΟΜΟΣ

20 Φέρε δὴ ὑμῖν, ὦ ἄνδρες δικασταί, ὡς οὐδ' ἐχρήτο Λύκων τῷ Καλλίππῳ ἐπιδείξω· οἶμαι γάρ τί μοι καὶ τοῦτο εἶναι πρὸς τὴν ἀλαζονείαν τὴν τούτου τοῦ φάσκοντος αὐτῷ δωρεῖαν δοθῆναι τὸ ἀργύριον τοῦτο παρὰ τοῦ Λύκωνος. ἐκείνος γὰρ τετταράκοντα μνᾶς ἔκδοσιν ἐκδοὺς εἰς Ἄκην Μεγακλείδῃ τῷ Ἐλευσινίῳ καὶ Θρασύλλῳ τῷ ἀδελφῷ αὐτοῦ, μεταδόξαν αὐτοῖς μὴ ἐκείσε πλεῖν μηδὲ κινδυνεύειν, ἐγκαλέσας τι τῷ Μεγακλείδῃ περὶ τῶν

[1242] τόκων ὡς ἐξηπατημένος διεφέρετο καὶ ἐδικάζετο,

21 βουλόμενος τὴν ἔκδοσιν κομίσασθαι. συχνῆς δὲ πάνυ πραγματείας περὶ τοσαῦτα χρήματα γενομένης, τὸν μὲν Κάλλιππον ὁ Λύκων οὐδαμοῖ πώποτε παρεκάλεσε, τὸν δὲ Ἄρχεβιάδην καὶ τοὺς τοῦ Ἄρχεβιάδου φίλους, καὶ ὁ διαλλάξας αὐτοὺς Ἄρχεβιάδης ἦν.



money to Cephisiades, and that Archebiades had identified Cephisiades for him ; also that when Callippus came for the first time to the bank, saying that Lycon was dead and that he, Callippus, claimed the right to inspect the books to see whether the Heracleote had left any money, he, Phormion, had at once shown him the books, and that Callippus, after seeing the entry that payment was to be made to Cephisiades, went away in silence, without filing any counterclaim or making any protest to him about the payment of the money—in proof of all these matters the clerk shall read you the depositions which establish both facts, and also the law.

THE DEPOSITIONS. THE LAW

Now, men of the jury, I shall show you that Lycon had no dealings with Callippus ; for I think this will be something to confound the impudent assurance of this man, who asserts that this money was given to him by Lycon as a present. Lycon had lent to Megacleides of Eleusis and his brother Thrasyllus the sum of forty minae for a voyage to Acê<sup>a</sup> but, when they changed their minds and decided not to risk the voyage to that point, Lycon, after making some complaints against Megacleides regarding the interest, and believing that he had been deceived, quarrelled with him and went to law for the purpose of recovering his loan. The proceedings were prolonged, as so large a sum was at stake, yet Lycon never at any time called in Callippus for consultation ; he sought the aid of Archebiades and the friends of Archebiades, and it was Archebiades who brought about a settlement between them.

<sup>a</sup> Acê, a town on the coast of Phoenicia.

## DEMOSTHENES

Ὡς δὲ ἀληθῆ λέγω, τούτων ὑμῖν αὐτὸν τὸν  
Μεγακλείδην μάρτυρα παρέξομαι.

### ΜΑΡΤΥΡΙΑ

- 22 Οὕτωςι μὲν οἰκείως φαίνεται χρώμενος, ὧ ἄνδρες δικασταί, ὁ Λύκων τῷ Καλλίπῳ, ὥστε μήτε παρακαλεῖν αὐτὸν ἐπὶ τὰ αὐτοῦ πράγματα, μήτε κατάγεσθαι ὡς τοῦτον μηδεπώποτε· καὶ αὐτό γε τοῦτο μόνον οὐ τετολμήκασιν οἱ οἰκείοι οἱ τούτου μαρτυρῆσαι, ὡς κατήγετο παρὰ τούτῳ ἐκείνος, εὖ εἰδότες ὅτι διὰ βασάνου ἐκ τῶν οἰκετῶν ὁ ἔλεγχος ἤδη ἔσοιτο, εἴ τι τοιοῦτο ψεύσοιντο.
- 23 βούλομαι δ' ὑμῖν καὶ τεκμήριόν τι εἰπεῖν τηλικούτον, ὧ δῆλον ὑμῖν ἔσται, ὡς ἐγὼ οἶομαι, ὅτι πάντα πρὸς ὑμᾶς ἔψευσται. τῷ γὰρ Λύκωνι, ὧ ἄνδρες δικασταί, εἴπερ ἠσπάζετο μὲν τοῦτον καὶ οἰκείως εἶχεν, ὥσπερ οὗτός φησιν, ἐβούλετο δὲ δωρεῖαν
- 24 δοῦναι αὐτῷ, εἴ τι πάθοι, τὸ ἀργύριον, πότερον κάλλιον ἦν ἄντικρυς παρὰ τῷ Καλλίπῳ καταλιπεῖν τὸ ἀργύριον, ὃ ἔμελλε σωθεῖς μὲν ὀρθῶς καὶ δικαίως ἀπολήψεσθαι παρὰ φίλου γε ὄντος αὐτῷ καὶ προξένου, εἰ δέ τι πάθοι, ἄντικρυς ἔσεσθαι δεδωκώς, ὥσπερ καὶ ἠβούλετο, ἢ ἐπὶ τῇ τραπέζῃ καταλιπεῖν; ἐγὼ μὲν γὰρ οἶμαι ἐκείνο καὶ δικαιότερον καὶ μεγαλοπρεπέστερον εἶναι. οὐ τοίνυν
- [1243] φαίνεται τούτων οὐδὲν ποιήσας, ὥστε καὶ ταῦτα ὑμῖν τεκμήρια ἔστω, ἀλλὰ τῷ Κηφισιάδῃ καὶ γράψας καὶ προστάξας ἀποδοῦναι.

## AGAINST CALLIPPUS, 21-24

To prove that I am speaking the truth, I shall bring before you Megacleides himself as a witness to these facts.

### THE DEPOSITION

You see, men of the jury, how intimate Lycon was 22 with Callippus. He neither called him in for consultation about his affairs, nor did he ever put up at the home of Callippus as a guest ; and this very fact is the one thing to which the plaintiff's friends have not ventured to depose, that, namely, he ever did put up at his house ; for they knew well that, if they told any such lie as this, they would at once be convicted by the slaves when these were put to the torture. But I wish to mention to you a piece of circum- 23stantial evidence so striking, that it will, I think, convince you that Callippus has uttered nothing but a pack of lies. If Lycon, men of the jury, had been as fond of the plaintiff and as intimate with him as the plaintiff claims, and had wished to give him this money as a present in the event of anything happening to himself, would it not have been better to have left the 24 money outright in the custody of Callippus, in which case, if he returned safe, he would have recovered it duly and justly from one who was his friend and his proxenos, and, if anything had happened to him, he would have given the money outright as he purposed ? Would this, I ask, not have been better than leaving it in the bank ? For my part, I think the former course would have been fairer and more high-minded. However, he is seen to have done nothing of the kind, so you must regard this as presumptive evidence ; no ; he gave written and oral instructions that it was to Cephisiades that the money was to be paid.

- 25 Ἔτι τοίνυν καὶ τοδὶ σκέψασθε, ὦ ἄνδρες δικασταί, ὅτι Κάλλιππος μὲν ἦν πολίτης ὑμέτερος καὶ οὐκ ἀδύνατος οὐδέτερα ποιῆσαι, οὔτε κακῶς οὔτε εὖ, ὁ δὲ Κηφισιάδης καὶ μέτοικος καὶ οὐδὲν δυνάμενος, ὥστε μὴ προσθέσθαι ἂν παρὰ τὸ δίκαιον τῷ Κηφισιάδῃ μᾶλλον τὸν πατέρα, ἢ τούτῳ τὰ δίκαια
- 26 ποιῆσαι. ἀλλὰ νῆ Δία, ἴσως ἂν εἶποι, κερδαίνων τι ἰδίᾳ ὁ πατήρ ἀπὸ τοῦ ἀργυρίου, ἐκείνῳ μᾶλλον προσετίθετο τὴν γνώμην ἢ τούτῳ. εἶτα πρῶτον μὲν τὸν δυνησόμενον διπλάσιον τοῦ λήμματος κακὸν ποιῆσαι ἠδίκηι, ἔπειτα ἐνταῦθα μὲν αἰσχροκερδῆς ἦν, εἰς δὲ τὰς εἰσφορὰς καὶ λητουργίας καὶ δωρειὰς τῇ πόλει οὐ; καὶ τῶν μὲν ξένων οὐδένα ἠδίκηι,
- 27 Κάλλιππον δέ; καὶ οὗτος, ὡς φησιν, ὡς χρηστῷ μὲν αὐτῷ ὄντι καὶ οὐδὲν ψευσομένῳ ὄρκον ἐδίδου, ὡς περὶ πονηροῦ δὲ καὶ ἀπαλείφοντος ἀπὸ τῶν παρακαταθηκῶν νυνὶ διαλέγεται; κακείνος οὔτ' ὁμόσαι θέλων, ὡς οὗτός φησιν, οὔτ' ἀποδιδούς οὐκ εὐθὺς ἂν ὠφλήκει; τῷ ταῦτα πιστά, ὦ ἄνδρες
- 28 δικασταί; ἐγὼ μὲν γὰρ οὐδενὶ οἶμαι. καὶ ὁ Ἄρχεβιάδης εἰς τοῦτο φαυλότητος ἦκει, ὥστε τοῦ Καλλίππου δημότου ὄντος αὐτῷ καὶ πολιτευομένου καὶ οὐκ ἰδιώτου ὄντος καταμαρτυρεῖ, καὶ φησὶν ἡμᾶς μὲν ἀληθῆ λέγειν, τοῦτον δὲ ψεύδεσθαι, καὶ ταῦτα εἰδὼς ὅτι, ἂν οὗτος βούληται ἐπισκῆψασθαι αὐτῷ τῶν ψευδομαρτυριῶν καὶ ἄλλο μηδὲν ποιῆσαι ἢ ἐξορκῶσαι, ἀνάγκη αὐτῷ ἔσται πίστιν
- 29 ἐπιθεῖναι ἢν ἂν κελεύῃ οὗτος; ἔπειτα ἵνα ὁ

## AGAINST CALLIPPUS, 25-29

I would have you regard the following point also, 25  
men of the jury. Callippus was one of your citizens,  
a man able both to render a service and to do an  
injury, while Cephisiades was a resident alien and a  
person without influence ; so one cannot suppose that  
my father would have taken the side of Cephisiades in  
defiance of justice rather than do what was right for  
the plaintiff. Ah, but he will say perhaps, that my 26  
father got some private profit out of the money, and  
therefore took sides with Cephisiades rather than  
with the plaintiff. Then we are to believe, in the first  
place, that he wronged a man who would be able to  
do him injury to twice the amount of his gains, and  
secondly that my father in this instance was a base  
lover of gain, whereas in regard to special taxes and  
public services and gifts to the state he was not. And 27  
did he, who never wronged a stranger, wrong Cal-  
lippus ? And did the plaintiff, as he alleges, tender  
an oath to my father as to one who was a worthy  
man and would tell no falsehood, and yet does he  
now speak of him as a base fellow, who erases records  
of deposits ? And, if my father refused to take the  
oath, as the plaintiff claims, or to make payment, how  
could he have escaped immediate condemnation ?  
Who can believe this, men of the jury ? I certainly  
think no one can. And has Archebiades forsooth sunk 28  
to such an extreme of baseness as to testify against  
Callippus, a fellow-demesman of his own, one in  
public life, and an official, and to say that I am telling  
the truth while Callippus is lying, and all this, when  
he knows that, if Callippus chooses to proceed against  
him for false testimony, or to do no more than put  
him on oath, he will be compelled to take whatever  
oath Callippus may require ? And again, can anyone 29

## DEMOSTHENES

Κηφισιάδης ἔχη τὸ ἀργύριον, ἄνθρωπος μέτοικος,  
 ἢ Φορμίων, ὃν φησιν ἀπαληλιφέναι τι οὗτος  
 [1244] τοῦ ἀργυρίου, πεισθήσεσθε ὑμεῖς ὡς ἐπιορκή-  
 σειεν ἂν ὁ Ἄρχεβιάδης; οὐκ ἔκ γε τῶν εἰκότων,  
 ὦ ἄνδρες δικασταί. οὐ γὰρ ἄξιον οὔτε Ἄρχεβιάδου  
 κακίαν οὐδεμίαν καταγνῶναι οὔτε τοῦ πατρὸς τοῦ  
 ἡμετέρου· πολὺ γὰρ αὐτὸν φιλότιμον ἴστε μᾶλλον  
 ὄντα ἢ κακόν τι ἢ αἰσχρὸν ἐπιτηδεύοντα, καὶ πρὸς  
 Κάλλιππον οὐχ οὕτως ἔχοντα, ὥστε καταφρονή-  
 30 σαντα τούτου ἀδικῆσαι ἂν τι αὐτόν. οὐ γὰρ οὕτω  
 μοι δοκεῖ δύνασθαι, ὥστ' εὐκαταφρόνητος εἶναι,  
 ὃς οὕτως ἐρρωμένος ἐστίν, ὥστε πέρυσί μοι λαχὼν  
 τὴν δίκην ταυτηνὴ καὶ προκαλεσάμενος τῷ Λυσι-  
 θείδῃ ἐπιτρέψαι, ἐγὼ μὲν καίπερ καταπεφρονημένος  
 ὑπ' αὐτοῦ τοῦτό γε ὀρθῶς ἐβουλεύσάμην· κατὰ  
 τοὺς νόμους γὰρ ἐπέτρεψα καὶ ἀπήνεγκα πρὸς τὴν  
 ἀρχήν· οὗτος δὲ τὸν κατὰ τοὺς νόμους ἀπεν-  
 ηνεγμένον διαιτητὴν ἔπεισεν ἀνώμοτον διαιτῆσαι,  
 ἐμοῦ διαμαρτυρομένου κατὰ τοὺς νόμους ὁμόσαντα  
 διαιτᾶν, ἵνα αὐτῷ ἢ πρὸς ὑμᾶς λέγειν, ὅτι καὶ  
 Λυσιθείδης, ἀνὴρ καλὸς κάγαθός, ἔγνω περὶ αὐτῶν.  
 31 Λυσιθείδης γάρ, ὦ ἄνδρες δικασταί, ἕως μὲν ὁ  
 πατὴρ ἔζη, καὶ ἄνευ ὄρκου καὶ μεθ' ὄρκου ἴσως  
 ἂν οὐκ ἠδίκησεν ἐκείνους· ἔμελε γὰρ αὐτῷ ἐκείνου.  
 ἐμοῦ δὲ ἄνευ μὲν ὄρκου οὐδὲν αὐτῷ ἔμελε, μεθ'  
 ὄρκου δὲ ἴσως ἂν οὐκ ἠδίκησε διὰ τὸ αὐτοῦ ἴδιον·  
 διόπερ ἀνώμοτος ἀπεφήνατο.

persuade you that Archebiades would perjure himself in order that Cephisiades, a resident alien, might get the money, or Phormion either, a man whom Callippus charges with having expunged some records of deposit? It is not a probable thing, men of the jury. Nor is it right to judge either Archebiades or my father guilty of any act of baseness; you know that my father was too emulous of honour to indulge in any base or shameful practices, and that his relations with Callippus were not such as to lead him through contempt to do him an injury. Callippus indeed does 30 not appear to me to be a man of such slight importance as to be treated with contempt—a man of such influence that last year, after he had instituted this action against me, and had challenged me to refer the matter to Lysitheides for arbitration (and I, although scorned by him, yet took wise counsel in this at any rate—I made the reference in due legal form, and carried the matter before the magistrate), Callippus, I say, induced the arbitrator, who had been designated according to the laws, to pronounce his award without taking oath, although I protested that he should give it on oath as the laws ordain, his purpose being that he might be able to say before you, that Lysitheides, a good and worthy man, had already given a decision regarding the matters at issue. Lysitheides, men of the jury, so long as my 31 father lived, would probably not have wronged him either with or without an oath, for he had a regard for him; but for me he had no regard, while not upon his oath, although perhaps, if put upon his oath, he would have abstained from wronging me in his own interest. This is why he made the award without taking an oath.

## DEMOSTHENES.

Ὡς δὲ ἀληθῆ λέγω, καὶ τούτων ὑμῖν τοὺς παρα-  
γενομένους μάρτυρας παρέξομαι.

### ΜΑΡΤΥΡΕΣ

- 32 Ὅτι μὲν καὶ παρὰ τοὺς νόμους καὶ παρὰ τὸ  
δίκαιον δύναται διαπράττεσθαι Κάλλιππος, ὧ  
[1245] ἄνδρες δικασταί, τῆς μαρτυρίας ἀκηκόατε. δέομαι  
δὲ ὑμῶν αὐτός τε ὑπὲρ ἑμαυτοῦ καὶ ὑπὲρ τοῦ  
πατρός, ἀναμνησθέντας ὅτι πάντων μὲν ὑμῖν καὶ  
μάρτυρας καὶ τεκμήρια καὶ νόμους καὶ πίστεις  
παρεσχόμεν ὦν εἶρηκα, τούτῳ δὲ ἐπιδείκνυμι ὅτι  
ἐξόν, εἴπερ τι αὐτῷ προσῆκε τοῦ ἀργυρίου, ἐπὶ τὸν  
Κηφισιάδην βαδίζειν τὸν ὁμολογοῦντα κεκομίσθαι  
καὶ ἔχειν τὸ ἀργύριον, καὶ ταῦτα μηδὲν ἦπτον τὰ  
πιστὰ παρ' ἡμῶν λαβεῖν, οὐκ ἔρχεται, εἰδὼς ὅτι  
οὐκ ἔστι παρ' ἡμῖν τὸ ἀργύριον, δέομαι ὑμῶν  
33 ἀποψηφίσασθαι μου. καὶ ταῦτα ποιῶντες πρῶτον  
μὲν τὰ δίκαια καὶ κατὰ τοὺς νόμους ἔσεσθε ἐψη-  
φισμένοι, ἔπειτα ἄξια μὲν ὑμῶν αὐτῶν, ἄξια δὲ  
τοῦ πατρὸς τοῦ ἐμοῦ· ὡς ἐγὼ ὑμᾶς ἂν δεξαίμην  
ἅπαντα τὰ ἑμαυτοῦ λαβεῖν, μᾶλλον ἢ ἀδίκως τι  
συκοφαντούμενος ἀποτεῖσαι.



## AGAINST CALLIPPUS, 31-33

To prove that I am speaking the truth, I shall, in regard to these matters also, bring forward as witnesses those who were present.

### THE WITNESSES

That Callippus is able to achieve his ends contrary 32 to the laws and contrary to justice, you have heard, men of the jury, from the deposition. I, on my part, beseech you on my own behalf and on my father's, to bear in mind that, in support of all that I have said, I have produced before you witnesses and circumstantial evidence and laws and sworn statements; and in the case of the plaintiff I have shown that, while, if he had any claim to this money, he might have proceeded against Cephisiades, who admits that he collected the money and has it in his possession, and still take these pledges from me, he does not proceed against him, although he knows that the money is not in our hands—I beseech you to remember all these facts, and to give a verdict in my favour. If 33 you do this, you will have rendered a decision both just and in accordance with the laws, and moreover one that is worthy of yourselves and of my father; since for myself, I should rather let you take everything I have, than pay an unjust claim as the victim of a malicious suit.



# AGAINST NICOSTRATUS

## INTRODUCTION

THIS speech, also written by or for Apollodorus, is in support of information (*ἀπογραφή*) lodged by him to prove that two slaves, asserted by Nicostratus and Deinon, brothers of Arethusius, to be their property, belonged of right to Arethusius, and were therefore subject to seizure, inasmuch as Arethusius was a debtor to the state for the fine of a talent which had been imposed upon him by the jury before whom Apollodorus had secured his conviction for bearing false testimony.

In a proceeding like this any Athenian might lodge information regarding the property of a state debtor, and if he could make good his case in a court of law he was entitled to receive three fourths of the property listed in his written statement ; if he failed to prove his case, he was liable to a fine of a thousand drachmae and was debarred from the right of again appearing as a public prosecutor.

In the present instance Apollodorus voluntarily relinquishes the right to any reward for the information given by him, stating frankly that his reason for taking up the matter is a desire to be revenged on Nicostratus and Arethusius for the wrongs they had done him ; and the speech is devoted largely to a recital of those wrongs.

He had, he declares, lived as neighbour to Nico-

## AGAINST NICOSTRATUS

stratus and had been on the friendliest terms with him, leaving him indeed in charge of his affairs when he was himself absent on public or private business. He had befriended Nicostratus in many ways, having even contributed a thousand drachmae toward his ransom, when he had been captured by privateers, and he had later on mortgaged his property to provide sixteen minae more. Notwithstanding this generous treatment Nicostratus, the plaintiff claims, had not only shown utter ingratitude, but had gone so far as to conspire with the enemies of Apollodorus to bring about his ruin. Availing himself of false testimony he had caused Apollodorus to be fined six hundred and ten drachmae for non-appearance in answer to a citation which had in fact never been served; he had again procured a judgement against him as a debtor to the treasury for ten drachmae, and had then entered the plaintiff's house and seized property to the amount of more than twenty minae, and had thereafter indulged in acts of vandalism against him.

For these wrongs the plaintiff had obtained partial satisfaction by a judgement imposing a fine of a talent upon Arethusius, and he now further satisfies his desire for revenge by this ἀπογραφή. He finally gives evidence regarding the ownership of the slaves in question.

The speech is regarded by all critics as the work of some one other than Demosthenes. See Schaefer, iii. pp. 143 ff., and Blass, iii. pp. 518 ff.

### LIII

#### ΠΡΟΣ ΝΙΚΟΣΤΡΑΤΟΝ ΠΕΡΙ ΑΝΔΡΑΠΟ- ΔΩΝ ΑΠΟΓΡΑΦΗΣ ΑΡΕΘΟΥΣΙΟΥ

Ὅτι μὲν οὐ συκοφαντῶν, ἀλλ' ἀδικούμενος καὶ  
 ὑβριζόμενος ὑπὸ τούτων καὶ οἰόμενος δεῖν τιμωρεῖ-  
 σθαι τὴν ἀπογραφὴν ἐποησάμην, μέγιστον ὑμῖν  
 ἔστω τεκμήριον, ὧ ἄνδρες δικασταί, τό τε μέγεθος  
 τῆς ἀπογραφῆς, καὶ ὅτι αὐτὸς ἐγὼ ἀπέγραψα. οὐ  
 γὰρ δήπου συκοφαντεῖν γε βουλόμενος ἀπέγραψα  
 ἂν πένθ' ἡμιμναίων ἄξια ἀνδράποδα, ὡς αὐτὸς ὁ  
 ἀμφισβητῶν τετίμηται αὐτά, ἐκινδύνευον δ' ἂν  
 περί τε χιλίων δραχμῶν, καὶ τοῦ μηδέποτε μηδένα  
 αὐθις ὑπὲρ ἑμαυτοῦ γράψασθαι· οὐδ' αὖ οὕτως  
 ἄπορος ἦν οὐδ' ἄφιλος, ὥστ' οὐκ ἂν ἐξευρεῖν τὸν  
 2 ἀπογράψοντα· ἀλλὰ τῶν ἐν ἀνθρώποις ἀπάντων  
 ἡγησάμενος δεινότατον εἶναι, ἀδικεῖσθαι μὲν αὐτός,  
 ἕτερον δ' ὑπὲρ ἐμοῦ τοῦ ἀδικουμένου τοῦνομα  
 παρέχειν, καὶ εἶναι ἂν τι τούτοις τοῦτο τεκμήριον,

### LIII

## APOLLODORUS AGAINST NICOSTRATUS IN THE MATTER OF INFORMATION FILED CONCERNING SLAVES OF ARETHUSIUS

I HAVE no desire to bring a baseless and malicious charge ; but I have filed this inventory of property because I have suffered wrong and indignity from these men and therefore thought it my duty to avenge myself upon them. Of this you will find convincing proof, men of the jury, in the amount of the valuation, and in my having filed the information in my own name. For, I take it, if I had wished to bring a malicious suit, I should not have listed slaves worth two minae and a half, the sum at which the claimant himself has fixed their value, and myself have run the risk of losing a thousand drachmae, and forfeiting the right ever again to indict anyone on my own behalf. Nor, again, was I so lacking in resources or in friends as to be unable to find some one to file the information ; but I thought it the most 2 outrageous thing ever seen among men, that I should myself suffer the wrong, but that another should lend his name on behalf of me, the one wronged ; and that this would then serve as presumptive proof to my

## DEMOSTHENES

- ὁπότε ἐγὼ λέγοιμι τὴν ἔχθραν πρὸς ὑμᾶς, ὡς  
 ψεύδομαι· οὐ γὰρ ἂν ποτε ἕτερον ἀπογράψαι, εἴπερ  
 ἐγὼ αὐτὸς ἠδικοῦμην. διὰ μὲν ταῦτ' ἀπέγραψα.  
 ἀπογράφας δὲ εἰάν ἀποδείξω τὰνδράποδα Ἄρε-  
 θουσίου ὄντα, οὐπὲρ ἐγγράπτο εἶναι, τὰ μὲν τρία  
 [1247] μέρη, ἃ ἐκ τῶν νόμων τῷ ἰδιώτῃ τῷ ἀπογράψαντι  
 γίγνεται, τῇ πόλει ἀφήμι, αὐτῷ δ' ἐμοὶ τετι-  
 3 μωρῆσθαι ἀρκεῖ μόνον. εἰ μὲν οὖν μοι ἦν ἰκανὸν  
 τὸ ὕδωρ διηγῆσασθαι πρὸς ὑμᾶς ἐξ ἀρχῆς, ὅσ'  
 ἀγαθὰ πεπονθότες ὑπ' ἐμοῦ οἰά με εἰργασμένοι  
 εἰσίν, εὐ οἶδ' ὅτι ὑμεῖς τ' ἂν μοι ἔτι μᾶλλον συγ-  
 γνώμην εἶχετε τοῦ ὀργίζεσθαι αὐτοῖς, τούτους τ'  
 ἀνοσιωτάτους ἀνθρώπων ἠγῆσασθε εἶναι· νῦν δ'  
 οὐδὲ διπλάσιόν μοι τούτου ὕδωρ ἰκανὸν ἂν γένοιτο.  
 τὰ μὲν οὖν μέγιστα καὶ περιφανῆ τῶν ἀδικημάτων,  
 καὶ ὁπόθεν ἡ ἀπογραφή αὕτη γέγονεν, ἐρῶ πρὸς  
 ὑμᾶς, τὰ δὲ πολλὰ ἐάσω.
- 4 Νικόστρατος γὰρ οὕτοσί, ὧ ἄνδρες δικασταί,  
 γείτων μοι ὦν ἐν ἀγρῷ καὶ ἡλικιώτης, γνωρίμως  
 μὲν μοι εἶχε καὶ πάλαι, ἐπειδὴ δ' ἐτελεύτησεν ὁ  
 πατήρ καὶ ἐγὼ ἐν ἀγρῷ κατώκουν, οὐπὲρ καὶ νῦν  
 οἰκῶ, καὶ μᾶλλον ἀλλήλοις ἤδη ἐχρῶμεθα, διὰ τὸ  
 γείτονές τε εἶναι καὶ ἡλικιώται. χρόνου δὲ προ-  
 βαίνοντος καὶ πάνυ οἰκείως διεκείμεθα, καὶ ἐγὼ  
 θ' οὕτως οἰκείως διεκείμην πρὸς τοῦτον, ὥστ'  
 οὐδενὸς πώποτε ὦν ἐδεήθη οὗτος ἐμοῦ ἀπέτυχεν,  
 οὗτός τ' αὖ ἐμοὶ οὐκ ἄχρηστος ἦν πρὸς τὸ ἐπι-



adversaries that I am lying whenever I speak to you of our enmity ; for they would say that no other man would have filed the information, if I were myself the one wronged. It was for this reason that I filed the information. And now that I have done so, if I can prove that the slaves belong to Arethusius, to whom they are stated in the information to belong, I relinquish to the state the three fourths which under the law are given to the private citizen filing the information ; for myself it is enough to have taken vengeance. If, now, there were water enough in <sup>3</sup> the water-clock to permit my telling you in detail from the beginning all the benefits I have conferred on them and all the aets they have committed toward me, I am sure that you would feel more lenient toward me for my resentment against them, and would deem these men the most wicked of humankind. As it is, however, even double the amount of water that I now have would be insufficient. I shall therefore relate to you the greatest and most flagrant of their wrongdoings, and those which gave rise to the filing of the information ; the bulk of them I shall pass over.

Nicostratus, whom you see here in court, men of <sup>4</sup> the jury, was a neighbour of mine in the country, and a man of my own age. We had long known each other, but after my father's death, when I went to live in the country, where I still live, we had much more to do with one another, since we were neighbours and men of the same age. As time went on we became very intimate ; indeed I came to feel on such intimate terms with him that he never failed to win any favour he asked of me ; and he, on his part, was useful to me in looking after my affairs and managing

μεληθῆναι καὶ διοικῆσαι, καὶ ὅποτε ἐγὼ ἀποδη-  
μοίην ἢ δημοσίᾳ τριηραρχῶν ἢ ἰδίᾳ κατ' ἄλλο τι,  
κύριον τῶν ἐν ἀγρῷ τοῦτον ἀπάντων κατέλειπον.

5 συμβαίνει δὴ μοι τριηραρχία περὶ Πελοπόννησον,  
ἐκεῖθεν δ' εἰς Σικελίαν ἔδει τοὺς πρέσβεις ἄγειν,  
οὓς ὁ δῆμος ἐχειροτόνησεν. ἢ οὖν ἀναγωγὴ διὰ  
ταχέων ἐγίγνετό μοι. ἐπιστέλλω δὴ αὐτῷ ὅτι  
[1248] αὐτὸς μὲν ἀνῆγγμαι καὶ οὐχ οἴός τ' εἶην οἴκαδε  
ἀφικέσθαι, ἵνα μὴ κατακωλύοιμι τοὺς πρέσβεις·  
τούτῳ δὲ προσέταξα ἐπιμελεῖσθαι τε τῶν οἴκοι  
καὶ διοικεῖν, ὥσπερ καὶ ἐν τῷ ἔμπροσθεν  
χρόνῳ.

6 Ἐν δὲ τῇ ἐμῇ ἀποδημίᾳ ἀποδιδράσκουσιν αὐτὸν  
οἰκέται τρεῖς ἐξ ἀγροῦ παρὰ τούτου, οἳ μὲν δύο ὧν  
ἐγὼ ἔδωκα αὐτῷ, ὁ δὲ εἰς ὧν αὐτὸς ἐκτήσατο.  
διώκων οὖν ἀλίσκεται ὑπὸ τριήρους καὶ κατήχθη  
εἰς Αἴγιναν, καὶ ἐκεῖ ἐπράθη. ἐπειδὴ δὲ κατ-  
έπλευσα ἐγὼ τριηραρχῶν, προσέρχεταιί μοι Δείνων  
ὁ ἀδελφὸς ὁ τούτου, λέγων τὴν τε τούτου συμ-  
φορὰν, αὐτὸς τε ὅτι δι' ἀπορίαν ἐφοδίων οὐ πε-  
πορευμένος εἶη ἐπὶ τοῦτον πέμποντος τούτου αὐτῷ  
ἐπιστολάς, καὶ ἅμα λέγων πρὸς ἐμέ ὡς ἀκούοι

7 αὐτὸν δεινῶς διακεῖσθαι. ἀκούσας δ' ἐγὼ ταῦτα  
καὶ συναχθεσθεῖς ἐπὶ τῇ ἀτυχίᾳ τῇ τούτου, ἀπο-  
στέλλω τὸν Δείωνα τὸν ἀδελφὸν αὐτοῦ εὐθύς ἐπὶ  
τοῦτον, δούς ἐφόδιον αὐτῷ τριακοσίας δραχμάς.  
ἀφικόμενος δ' οὗτος καὶ ἐλθὼν ὡς ἐμέ πρῶτον,  
ἠσπάζετο καὶ ἐπῆνει ὅτι παρέσχον τὰ ἐφόδια τῷ  
ἀδελφῷ αὐτοῦ, καὶ ὠδύρετο τὴν αὐτοῦ συμφορὰν,  
καὶ κατηγορῶν ἅμα τῶν ἑαυτοῦ οἰκείων ἔδειτό μου  
βοηθῆσαι αὐτῷ, ὥσπερ καὶ ἐν τῷ ἔμπροσθεν χρόνῳ  
ἦν περὶ αὐτὸν ἀληθινὸς φίλος· καὶ κλάων ἅμα, καὶ

## AGAINST NICOSTRATUS, 4-7

them, and whenever I was abroad on public service as trierarch, or on any private business of my own, I used to leave him in charge of everything on the farm. It happened that I was sent as trierarch round the Peloponnesus, and from thence I had to carry to Sicily the ambassadors whom the people had elected. I was forced to set sail in haste, so I wrote to Nicostratus, telling him that I had to put to sea, and that I should not be able to come home for fear of delaying the ambassadors; and I charged him to look after the administration of matters at home, as he had done before.

During my absence three household slaves of Nicostratus ran away from him from his farm, two of those whom I had given him, and one of a number whom he had purchased for himself. He pursued them, but was taken captive by a trireme and brought to Aegina, where he was sold. When I had come home with the ship of which I was in command, Deinon, this man's brother, came to me and told me of his misfortunes, stating that, although Nicostratus had sent him letters, he had not gone in quest of him for want of funds for the journey, and he told me also that he heard that his brother was in a dreadful condition. When I heard this I was touched with compassion for Nicostratus on account of his ill-fortune, and at once sent his brother Deinon to fetch him, giving him three hundred drachmae for his journey. When Nicostratus got home, he came at once to me, embraced me, thanked me for giving his brother money for his journey, bewailed his own unhappy lot, and, while complaining of his own relatives, begged me to succour him, just as in time past I had been a true friend to him. Then he wept, and told me that he

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λέγων ὅτι ἕξ καὶ εἴκοσι μνῶν λελυμένος εἶη, εἰσενεγκεῖν αὐτῷ τι ἐκέλευέ με εἰς τὰ λύτρα.

- 8 Ταῦτα δ' ἐγὼ ἀκούων καὶ ἐλεήσας τοῦτον, καὶ ἅμα ὁρῶν κακῶς διακειμένον καὶ δεικνύοντα ἔλκη ἐν ταῖς κνήμαις ὑπὸ δεσμῶν, ὧν ἔτι τὰς οὐλὰς ἔχει, καὶ ἐὰν κελεύσητε αὐτὸν δεῖξαι, οὐ μὴ θελήσῃ,
- [1249] ἀπεκρινάμην αὐτῷ ὅτι καὶ ἐν τῷ ἔμπροσθεν χρόνῳ εἶην αὐτῷ φίλος ἀληθινός, καὶ νῦν ἐν τῇ συμφορᾷ βοηθήσοιμι αὐτῷ, καὶ τὰς τε τριακοσίας, ἃς τῷ ἀδελφῷ ἔδωκα ἐφόδιον ὅτε ἐπορεύετο ἐπὶ τοῦτον, ἀφιεῖν αὐτῷ, χιλίας τε δραχμὰς ἔρανον αὐτῷ εἰς
- 9 τὰ λύτρα εἰσοῖσοιμι. καὶ τοῦτο οὐ λόγῳ μὲν ὑπισχνούμην, ἔργῳ δ' οὐκ ἐποίησα, ἀλλ' ἐπειδὴ οὐκ ἠὐπόρουν ἀργυρίου, διὰ τὸ διαφόρως ἔχειν τῷ Φορμίῳνι καὶ ἀποστερεῖσθαι ὑπ' αὐτοῦ τὴν οὐσίαν ἣν μοι ὁ πατὴρ κατέλιπε, κομίσας ὡς Θεοκλέα τὸν τότε τραπεζιτεύοντα ἐκπώματα καὶ στέφανον χρυσοῦν, ἃ παρ' ἐμοὶ ἐκ τῶν πατρῶων ὄντα ἐτύγγανεν, ἐκέλευσα δοῦναι τούτῳ χιλίας δραχμὰς, καὶ τοῦτο ἔδωκα δωρεῖαν αὐτῷ τὸ ἀργύριον, καὶ
- 10 ὁμολογῶ δεδωκέναι. ἡμέραις δ' οὐ πολλαῖς ὕστερον προσελθὼν μοι κλάων ἔλεγεν, ὅτι οἱ ξένοι ἀπαιτοῖεν αὐτόν, οἱ δανείσαντες τὰ λύτρα, τὸ λοιπὸν ἀργύριον, καὶ ἐν ταῖς συγγραφαῖς εἶη τριάκονθ' ἡμερῶν αὐτὸν ἀποδοῦναι ἢ διπλάσιον ὀφείλειν, καὶ ὅτι τὸ χωρίον τὸ ἐν γειτόνων μοι τοῦτο οὐδεὶς ἐθέλοι οὔτε πρίασθαι οὔτε τίθεσθαι· ὁ γὰρ ἀδελφὸς ὁ Ἄρεθούσιος, οὗ τὰνδράποδ' ἐστὶ ταῦτα ἃ νῦν ἀπογέγραπται, οὐδένα ἐώη οὔτε

## AGAINST NICOSTRATUS, 7-10

had been ransomed for twenty-six minae, and urged me to contribute something toward the cost of his redemption.

On hearing this story, I felt pity for him, and more-<sup>8</sup> over I saw in what wretched plight he was, and he showed me the wounds of the fetters on his calves (he has the scars of them still, but, if you bid him show them to you, he will not wish to do so); I therefore answered that in time past I had been a true friend to him, and that now I would help him in his distress, that I forgave him the three hundred drachmae which I had given his brother for the expenses of his journey to fetch him, and that I would make a contribution of one thousand drachmae toward his ransom. Nor did I make this promise in <sup>9</sup> words only and fail to perform it in act; but, since I was not well provided with funds in consequence of my quarrel with Phormion and of his depriving me of the estate which my father left me, I took to Theocles, who at that time was carrying on a banking business, some cups and a chaplet of gold, which I happened to have in my house as a part of my ancestral inheritance, and bade him give Nicostratus a thousand drachmae; and that sum I gave him outright as a gift, and I acknowledge that it was a gift. A few days after-<sup>10</sup> wards he came up to me weeping, and told me that the strangers who had lent him the ransom money were demanding payment of the balance, and that it was stipulated in the agreement that he should pay it within thirty days or be indebted for double the amount; that, moreover, no one would either buy or take a mortgage on the farm adjoining mine, because his brother Arethusius, who is the owner of the slaves mentioned in the information, would not suffer any-

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- ὠνεῖσθαι οὔτε τίθεσθαι, ὡς ἐνοφειλομένου αὐτῷ  
 11 ἀργυρίου. “ σὺ οὖν μοι,” ἔφη, “ πόρισον τὸ ἐλ-  
 λείπον τοῦ ἀργυρίου, πρὶν τὰς τριάκονθ’ ἡμέρας  
 παρελθεῖν, ἵνα μὴ ὁ τε ἀποδέδωκα,” ἔφη, “ τὰς  
 χιλίας δραχμάς, ἀπόλωνται, καὶ αὐτὸς ἀγώγιμος  
 γένωμαι. συλλέξας δ’,” ἔφη, “ ἔρανον, ἐπειδὰν  
 τοὺς ξένους ἀπαλλάξω, σοὶ ἀποδώσω ὁ ἂν μοι  
 [1250] χρήσης. οἶσθα δ’,” ἔφη, “ ὅτι καὶ οἱ νόμοι κε-  
 λεύουσι τοῦ λυσαμένου ἐκ τῶν πολεμίων εἶναι τὸν  
 λυθέντα, ἐὰν μὴ ἀποδιδῶ τὰ λύτρα.”
- 12 Ἄκούων δ’ αὐτοῦ ταῦτα καὶ δοκῶν οὐ ψεύδεσθαι,  
 ἀπεκρινάμην αὐτῷ ἄπερ ἂν νέος τε ἄνθρωπος καὶ  
 οἰκείως χρώμενος, οὐκ ἂν νομίσας ἀδικηθῆναι, ὅτι  
 “ ὦ Νικόστρατε, καὶ ἐν τῷ πρὸ τοῦ σοι χρόνῳ φίλος  
 ἦν ἀληθινός, καὶ νῦν ἐν ταῖς συμφοραῖς σοι, καθ’  
 ὅσον ἐγὼ ἐδυνάμην, βεβοήθηκα. ἐπειδὴ δ’ ἐν τῷ  
 παρόντι οὐ δύνασαι πορίσαι ἅπαντα τὰ χρήματα,  
 ἀργύριον μὲν μοι οὐ πάρεστιν, οὐδ’ ἔχω οὐδ’ αὐτός,  
 τῶν δὲ κτημάτων σοι τῶν ἐμῶν κίχρημι ὅ τι βούλει,  
 θέντα τοῦ ἐπιλοίπου ἀργυρίου ὅσου ἐνδεῖ σοι,  
 ἐνιαυτὸν ἀτόκῳ χρῆσθαι τῷ ἀργυρίῳ καὶ ἀποδοῦναι  
 τοῖς ξένοις. συλλέξας δ’ ἔρανον, ὥσπερ αὐτὸς  
 13 φῆς, λῦσαί μοι.” ἀκούσας δ’ οὗτος ταῦτα καὶ  
 ἐπαινέσας με, ἐκέλευσε τὴν ταχίστην πράξαι, πρὶν  
 ἐξήκειν τὰς ἡμέρας ἐν αἷς ἔφη δεῖν τὰ λύτρα  
 καταθεῖναι. τίθημι οὖν τὴν συνοικίαν ἐκκαίδεκα  
 μνῶν Ἀρκέσαντι Παμβωτάδῃ, ὃν αὐτὸς οὗτος

<sup>a</sup> Pambotadae, a deme of the tribe Eretheis.

## AGAINST NICOSTRATUS, 10-13

one to buy it or take it on mortgage, alleging that money was owing him on it already. "Do you, therefore," he said, "provide for me the amount which is lacking before the thirty days have passed, in order that what I have already paid, the thousand drachmae, may not be lost, and that I myself be not liable to seizure. I shall make a collection from my friends," he said, "and when I have got rid of the strangers, I shall pay you in full whatever you shall have lent me. You know," he said, "that the laws enact that a person ransomed from the enemy shall be the property of the ransomer, if he fail to pay the redemption money."

When I heard these words of Nicostratus, having no idea that he was lying, I answered, as was natural for a young man who was an intimate friend, and who was far from thinking that he would be defrauded, "Nicostratus, in time past I was a true friend to you, and now in your misfortunes I have helped you to the full extent of my power. But since at the moment you are unable to find the whole amount due, I indeed have no funds on hand, nor have I money any more than yourself, but I grant you a loan of whatever part of my property you choose, for you to mortgage for the balance of your debt, and to use the money without interest for a year, and to pay off the strangers. When you have made the collection from your friends, pay off my mortgage, as you yourself propose." Hearing this, Nicostratus thanked me, and bade me to proceed with the matter with all speed before the expiration of the days in the course of which he said he must pay the ransom. Accordingly I mortgaged my lodging-house for sixteen minae, to Arcesas of Pambotadae,<sup>a</sup> whom

## DEMOSTHENES

προὔξενησεν, ἐπὶ ὀκτὼ ὀβολοῖς τὴν μνᾶν δανείσαντι τοῦ μηνὸς ἐκάστου. λαβὼν δὲ τὸ ἀργύριον, οὐχ ὅπως χάριν τινά μοι ἀποδίδωσιν ὧν εὖ ἔπαθεν, ἀλλ' εὐθέως ἐπεβούλευέ μοι, ἵν' ἀποστερήσειε τ'ἀργύριον καὶ εἰς ἔχθραν κατασταίῃ, καὶ ἀπορούμενος ἐγὼ τοῖς πράγμασι νέος ὧν ὅ τι χρησαίμην καὶ ἄπειρος πραγμάτων, ὅπως μὴ εἰσπράττοιμι αὐτὸν τ'ἀργύριον οὗ ἢ συνοικία ἐτέθη, ἀλλ' ἀφείην αὐτῷ.

- 14 Πρῶτον μὲν οὖν ἐπιβουλεύει μοι μετὰ τῶν ἀντι-  
1251] δίκων, καὶ πίστιν αὐτοῖς δίδωσιν· ἔπειτ' ἀγώνων μοι συνεστηκότων πρὸς αὐτούς, τούς τε λόγους ἐκφέρει μου εἰδώς, καὶ ἐγγράφει τῷ δημοσίῳ ἀπρόσκλητον ἐξ ἐμφανῶν καταστάσεως ἐπιβολὴν ἑξακοσίας καὶ δέκα δραχμάς, διὰ Λυκίδου τοῦ μυλωθροῦ ποιησάμενος τὴν δίκην. κλητῆρα δὲ κατ' ἐμοῦ τόν τε ἀδελφὸν τὸν αὐτοῦ τὸν Ἄρεθούσιον τοῦτον ἐπιγράφεται, οὐπὲρ ἐστὶ τὰνδράποδα ταῦτα, καὶ ἄλλον τινά· καὶ παρεσκευάζοντο, εἰ ἀνακρινοίμην κατὰ τῶν οἰκείων τῶν ἀδικούντων με τὰς δίκας ἃς εἰλήχην αὐτοῖς, ἐνδεικνύναι με ὡς ὀφείλοντα τῷ δημοσίῳ καὶ ἐμβάλλειν εἰς τὸ  
15 δεσμωτήριον. ἔτι δὲ πρὸς τούτοις ὁ ἀπρόσκλητόν μου ἑξακοσίων καὶ<sup>1</sup> δέκα δραχμῶν δίκην καταδικασάμενος καὶ ψευδεῖς<sup>2</sup> κλητῆρας ἐπιγραφάμενος,

<sup>1</sup> ἑξακοσίων καὶ, lacking in the mss., supplied by Plattner.

<sup>2</sup> καὶ ψευδεῖς, lacking in the mss., supplied by Reiske.

<sup>a</sup> That is, at the rate of 16 per cent.

<sup>b</sup> The reference is to his law-suits with Phormion and Stephanus; see Orations XXXVI, XLV and XLVI.



## AGAINST NICOSTRATUS, 13-15

Nicostratus himself introduced to me, and he lent me the money at the interest rate of eight obols a month for each mina.<sup>a</sup> But, when Nicostratus had got the money, so far from showing any gratitude for what I had done for him, he immediately began to lay a plot against me to rob me of my money and become my enemy, in order that I might be at a loss how to deal with the matter, since I was young and without experience in affairs, and might not exact from him the sum for which the lodging-house had been mortgaged, but might forgive him the debt.

Accordingly he first conspired against me with some 14 persons with whom I was at law, and bound himself by an oath to support them ; then, after my action against them had commenced, he divulged to them my arguments, with which he was acquainted, and he entered me as a debtor to the public treasury to the amount of six hundred and ten drachmae, as a fine for non-production of property (although no citation had been served upon me), having got the case brought on through the agency of Lycidas the miller. As witnesses against me to attest the citation, he entered the name of his own brother, this Arethusius to whom these slaves belong, and another person ; and they were prepared, in the event of my bringing to a preliminary hearing the suits which I had entered against my relatives <sup>b</sup> who were wronging me, to lay an information against me, as being a debtor to the treasury, and throw me into prison. And more than 15 all this, he who had secured a judgement against me for six hundred and ten drachmae, when no citation had been served upon me, and had entered the names of false witnesses to the citation, made a

εἰσελθὼν εἰς τὴν οἰκίαν βία τὰ σκεύη πάντα ἐξεφόρησε, πλεόν ἢ εἴκοσι μνῶν ἄξια, καὶ οὐδ' ὅτιοῦν κατέλιπεν. ὅτε δὲ τιμωρεῖσθαι ὤμην δεῖν, καὶ ἐκτείσας τῷ δημοσίῳ τὸ ὄφλημα, ἐπειδὴ ἐπυθόμην τὴν ἐπιβολήν, ἐβάδιζον ἐπὶ τὸν κλητῆρα τὸν ὁμολογοῦντα κεκλητευκένας τὸν Ἀρεθούσιον τῆς ψευδοκλητείας κατὰ τὸν νόμον, ἔλθων εἰς τὸ χωρίον τῆς νυκτός, ὅσα ἐνήν φυτὰ ἀκροδρῦων γενναίων ἐμβεβλημένα καὶ τὰς ἀναδενδράδας ἐξέκοψε, καὶ φυτευτήρια ἐλαῶν περιστοιχῶν κατέκλασεν, οὕτω δεινῶς ὡς οὐδ' ἂν οἱ πολέμοιοι δια-  
 16 θείεν. πρὸς δὲ τούτοις μεθ' ἡμέραν παιδάριον ἀστὸν εἰσπέμψαντες, διὰ τὸ γείτονές τε εἶναι καὶ ὅμορον τὸ χωρίον, ἐκέλευον τὴν ῥοδωνιὰν βλαστάουσαν ἐκτίλλειν, ἵν', εἰ καταλαβὼν αὐτὸν ἐγὼ  
 [1252] πρὸς ὀργὴν δῆσαιμι ἢ πατάξαιμι ὡς δοῦλον ὄντα, γραφὴν με γράψαιντο ὕβρεως.

Ὡς δὲ τούτου διήμαρτον, καὶ γὰρ μάρτυρας μὲν ὦν ἔπασχον ἐπιούμην, αὐτὸς δ' οὐδὲν ἐξημάρτανον εἰς αὐτούς, ἐνταῦθα δὴ μοι ἐπιβουλεύουσι τὴν  
 17 μεγίστην ἐπιβουλήν· ἀνακεκριμένου γὰρ ἤδη μου κατ' αὐτοῦ τὴν τῆς ψευδοκλητείας γραφὴν καὶ μέλλοντος εἰσιέναι εἰς τὸ δικαστήριον τηρήσας με ἀνιόντα ἐκ Πειραιῶς ὀψὲς περὶ τὰς λιθοτομίας, παίει τε πῦξ καὶ ἀρπάζει μέσον καὶ ὠθεῖ με εἰς τὰς λιθοτομίας, εἰ μὴ τινες προσιόντες, βοῶντός μου ἀκούσαντες, παρεγένοντο καὶ ἐβοήθησαν. ἡμέραις δ' οὐ πολλαῖς ὕστερον εἰσελθὼν εἰς τὸ δικαστήριον πρὸς ἡμέραν διαμεμετρημένην, καὶ ἐλέγξας αὐτὸν

## AGAINST NICOSTRATUS, 15-17

forcible entry into my house and carried off all the furniture to the value of more than twenty minae ; he did not leave a thing. I thought it my duty to avenge myself, and after paying the debt to the treasury on hearing of the fine, I was proceeding to indict the one who admitted that he had cited me to appear (that is, Arethusius), on a charge of false citation, as the law directs. He, however, came to my farm by night, cut off all the choice fruit-grafts that were there, and the tree-vines as well, and broke down the nursery-beds of olive trees set in rows round about, making worse havoc than enemies in war would have done. More than this, as they were 16 neighbours and my farm adjoined theirs, they sent into it in the daytime a young boy who was an Athenian, and put him up to plucking off the flowers from my rose-bed, in order that, if I caught him and in a fit of anger put him in bonds or struck him, assuming him to be a slave, they might bring against me an indictment for assault.

When they failed in this, and I merely called witnesses to observe the wrong done me without committing any offence against them myself, they played against me the most dastardly trick. When I had 17 now brought my indictment of him for false citation to the preliminary examination and was about to bring the case into court, Nicostratus lay in wait for me near the stone quarries, as I was coming back late from Peiraeus, and struck me with his fist and seizing me around the waist was on the point of throwing me into the quarries, had not some people come up and, hearing my cries, run to my assistance. A few days later, I came into court on a day that was divided up among a number of cases, and proving that he had

## DEMOSTHENES

τὰ ψευδῆ κεκλητευκότα καὶ τὰ ἄλλα ὅσα εἶρηκα  
 18 ἡδίκηκότα, εἶλον. καὶ ἐν τῇ τιμῆσει βουλομένων  
 τῶν δικαστῶν θανάτου τιμῆσαι αὐτῷ, ἐδεήθην ἐγὼ  
 τῶν δικαστῶν μηδὲν δι' ἐμοῦ τοιοῦτον πράξει, ἀλλὰ  
 συνεχώρησα ὅσουπερ αὐτοὶ ἐτιμῶντο, ταλάντου,  
 οὐχ ἵνα μὴ ἀποθάνοι ὁ Ἄρεθούσιος (ἄξια γὰρ αὐτῷ  
 θανάτου εἴργαστο εἰς ἐμέ), ἀλλ' ἵν' ἐγὼ Πασίωνος  
 ὦν καὶ κατὰ ψήφισμα πολίτης μηδένα Ἀθηναίων  
 ἀπεκτονῶς εἶην.

Ὡς δ' ἀληθῆ εἶρηκα πρὸς ὑμᾶς, τούτων ὑμῖν  
 τοὺς μάρτυρας πάντων παρέξομαι.

### ΜΑΡΤΥΡΕΣ

19 Ἄ μὲν τοίνυν ἀδικούμενος, ὦ ἄνδρες δικασταί,  
 ὑπ' αὐτῶν τὴν ἀπογραφὴν ἐποιησάμην, δεδήλωκα  
 ὑμῖν ὡς δ' ἔστιν Ἄρεθουσίου τὰνδράποδα ταῦτα  
 καὶ ὄντα ἐν τῇ οὐσίᾳ τῇ ἐκείνου ἀπέγραψα ἐπιδείξω  
 ὑμῖν. τὸν μὲν γὰρ Κέρδωνα ἐκ μικροῦ παιδαρίου  
 ἐξεθρέψατο· καὶ ὡς ἦν Ἄρεθουσίου, τούτων ὑμῖν  
 τοὺς εἰδότας μάρτυρας παρέξομαι.

### ΜΑΡΤΥΡΕΣ

20 Παρ' οἷς τοίνυν εἰργάσατο πώποτε, ὡς τοὺς  
 [1253] μισθοὺς Ἄρεθούσιος ἐκομίζετο ὑπὲρ αὐτοῦ, καὶ  
 δίκας καὶ ἐλάμβανε καὶ ἐδίδου, ὅποτε κακὸν τι  
 ἐργάσαιτο, ὡς δεσπότης ὦν, τούτων ὑμῖν τοὺς  
 μάρτυρας παρέξομαι.

### ΜΑΡΤΥΡΕΣ

## AGAINST NICOSTRATUS, 17-20

falsely attested the citation and was guilty of all the other crimes which I have mentioned, I won a conviction. When it came to fixing the penalty, the jury<sup>18</sup> wished to impose a sentence of death upon him, but I begged them to do nothing like that on a prosecution brought by me, and I agreed to the fine of a talent which these men themselves proposed,—not that I wished to save Arethusius from the death penalty (for he deserved death on account of the wrongs which he had committed against me), but that I, Pasion's son, made a citizen by a decree of the people, might not be said to have caused the death of any Athenian.

To prove that I have told you the truth, I shall call before you witnesses to all these facts.

### THE WITNESSES

The wrongs done to me by these people, men of the jury<sup>19</sup>, which led me to file the information, I have made clear to you. That these slaves are the property of Arethusius, and that I listed them in the inventory because they formed a part of his estate, I shall proceed to show you. Cerdon he reared from early childhood; and to prove that he belonged to Arethusius, I shall bring before you witnesses who know the fact.

### THE WITNESSES

I shall also bring before you witnesses to prove that<sup>20</sup> Arethusius got the wages on his account from all the persons with whom Cerdon ever worked, and that he used, as being his master, to receive compensation or give it, whenever Cerdon wrought any damage.

### THE WITNESSES

## DEMOSTHENES

Τὸν δὲ Μάνην, δανείσας ἀργύριον Ἀρχεπόλιδι τῷ Πειραιεῖ, ἐπειδὴ οὐχ οἶός τ' ἦν αὐτῷ ἀποδοῦναι ὁ Ἀρχέπολις οὔτε τὸν τόκον οὔτε τὸ ἀρχαῖον ἅπαν, ἐναπετίμησεν αὐτῷ.

Καὶ ὅτι ἀληθῆ λέγω, τούτων ὑμῖν τοὺς μάρτυρας παρέξομαι.

### ΜΑΡΤΥΡΕΣ

- 21 Ἔτι τοίνυν καὶ ἐκ τῶνδε γνῶσεσθε, ὦ ἄνδρες δικασταί, ὅτι εἰσὶν Ἀρεθουσίου οἱ ἄνθρωποι. ὁπότε γὰρ οἱ ἄνθρωποι οὔτοι ἢ ὀπώραν πρίαυτο ἢ θέρος μισθοῖντο ἐκθερίσαι ἢ ἄλλο τι τῶν περὶ γεωργίαν ἔργων ἀναιροῖντο, Ἀρεθούσιος ἦν ὁ ὠνούμενος καὶ μισθούμενος ὑπὲρ αὐτῶν.

Ὡς δ' ἀληθῆ λέγω, καὶ τούτων ὑμῖν τοὺς μάρτυρας παρέξομαι.

### ΜΑΡΤΥΡΕΣ

- 22 Ὅσας μὲν τοίνυν μαρτυρίας παρασχέσθαι εἶχον ὑμῖν, ὡς ἔστιν Ἀρεθουσίου τὰνδράποδα, δεδήλωκα ὑμῖν. βούλομαι δὲ καὶ περὶ τῆς προκλήσεως εἰπεῖν, ἣν οὔτοί τ' ἐμὲ προὔκαλέσαντο καὶ ἐγὼ τούτους. οὔτοι μὲν γὰρ ἐμὲ προὔκαλέσαντο, ὅτε ἢ πρώτη ἀνάκρισις ἦν, φάσκοντες ἔτοιμοι εἶναι παραδιδόναι ἐμοὶ αὐτῷ τὰνδράποδα βασανίσαι, βουλόμενοι μαρτυρίαν τινὰ αὐτοῖς ταύτην γενέσθαι.
- 23 ἐγὼ δ' ἀπεκρινάμην αὐτοῖς ἐναντίον μαρτύρων, [1254] ὅτι ἔτοιμός εἰμι ἰέναι εἰς τὴν βουλήν μετ' αὐτῶν καὶ παραλαμβάνειν μετ' ἐκείνης ἢ μετὰ τῶν ἔνδεκα, λέγων ὅτι, εἰ μὲν ἰδίαν δίκην ἐδικαζόμεν

<sup>a</sup> The board of police commissioners at Athens.

## AGAINST NICOSTRATUS, 20-23

As for Manes : Arethusius lent some money to Archepolis of Peiraeus,<sup>e</sup> and when Archepolis was unable to pay either the interest or the principal in full, he made over to him Manes in settlement.

To prove that I am speaking the truth, I shall bring before you witnesses to establish these statements.

### THE WITNESSES

Furthermore, from the following facts also you 21 will see that the men belong to Arethusius. For whenever they bought up the produce of an orchard, or hired themselves out to reap a harvest, or undertook any other piece of farming work, it was Arethusius who made the purchase or paid the wages on their behalf.

To prove that I am speaking the truth, I shall bring before you witnesses to establish these statements also.

### THE WITNESSES

All the evidence which I had to offer to prove that 22 the slaves belong to Arethusius, I have laid before you. I wish, however, to speak also about the challenge which these men tendered me, and which I also tendered them. They challenged me at the preliminary hearing, stating that they were ready to deliver up the slaves, that I myself might put them to the torture, their wish being that this offer should serve as a sort of evidence for their side. I answered, 23 however, in the presence of witnesses, that I was ready to go with them to the senate, and in conjunction with the senate or the Eleven <sup>a</sup> to receive the slaves for the torture, telling them that, if my suit against them had been a private one, I should have accepted

## DEMOSTHENES

αὐτοῖς, εἰ ἐμοὶ ἐξεδίδοσαν, παρελάμβανον ἄν, νῦν δὲ τῆς πόλεως εἶη τὰνδράποδα καὶ ἡ ἀπογραφή·  
 24 δεῖν οὖν δημοσίᾳ βασανίζεσθαι. ἡγούμην γὰρ οὐ προσήκειν ἐμοὶ ἰδιώτῃ ὄντι τοὺς δημοσίους βασανίζειν· οὔτε γὰρ τῆς βασάνου κύριος ἐγιγνόμην, οὔτε καλῶς ἔχειν τὰ λεγόμενα ὑπὸ τῶν ἀνθρώπων ἐμὲ κρίνειν, ἡγούμην τε δεῖν τὴν ἀρχὴν ἢ τοὺς ἡρημένους ὑπὸ τῆς βουλῆς γράφεσθαι, καὶ κατασημηναμένους τὰς βασάνους, ὃ τι εἶποιεν οἱ ἄνθρωποι, παρέχειν εἰς τὸ δικαστήριον, ἵν' ἀκούσαντες ἐκ τούτων ἐψηφίσασθε ὁποῖόν τι ὑμῖν  
 25 ἐδόκει. ἰδίᾳ μὲν γὰρ βασανιζομένων τῶν ἀνθρώπων ὑπ' ἐμοῦ ἀντελέγετ' ἂν ἅπαντα ὑπὸ τούτων, εἰ δὲ δημοσίᾳ, ἡμεῖς μὲν ἂν ἐσιωπῶμεν, οἱ δ' ἄρχοντες ἢ οἱ ἡρημένοι ὑπὸ τῆς βουλῆς ἐβασάνιζον ἂν μέχρι οὗ αὐτοῖς ἐδόκει. ταῦτα δ' ἐμοῦ ἐθέλοντος, οὐκ ἂν ἔφασαν τῇ ἀρχῇ παραδοῦναι, οὐδ' εἰς τὴν βουλὴν ἤθελον ἀκολουθεῖν.

Ὡς οὖν ἀληθῆ λέγω, κάλει μοι τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

26 Κατὰ πολλὰ μὲν οὖν ἔμοιγε δοκοῦσιν εἶναι ἀναίσχυντοι ἀμφισβητοῦντες τῶν ὑμετέρων, οὐκ ἤκιστα δὲ ὑμῖν αὐτοὺς ἐπιδείξω ἐκ τῶν νόμων τῶν ὑμετέρων. οὔτοι γάρ, ὅτε οἱ δικασταὶ ἐβούλοντο θανάτου τιμῆσαι τῷ Ἀρεθουσίῳ, ἐδέοντο τῶν δικαστῶν χρημάτων τιμῆσαι καὶ ἐμοῦ συγχωρῆσαι,

<sup>a</sup> Since Arethusius was a state-debtor.



## AGAINST NICOSTRATUS, 23-26

the slaves for the torture, if they had offered them, but that, as it was, both the slaves and the information belonged to the state<sup>a</sup>; and therefore the examination by the torture should be conducted by a public official. I thought that it was not proper for me as a 24 private individual to put public slaves to the torture; for I was not empowered to conduct the torture, nor was it proper that I should decide on the meaning of the answers given by the men. I thought that the Eleven, or persons chosen by the senate, should have everything written down, and then, having sealed up the evidence extorted by the torture—the answers, that is, given by the men—should produce it in court, that you might hear it, and in the light of this reach whatever verdict you might think right. For if the 25 men had been put to the torture privately by me, everything would have been disputed by these men; but, if publicly, we should have kept quiet, and the officers or those chosen by the senate would have carried on the torture as far as they saw fit. When I made this offer, they declared that they would not deliver up the slaves to the officials, nor would they go with me to the senate.

To prove that I am speaking the truth, (*to the clerk*) call, please, the witnesses to these facts.

### THE WITNESSES

Their shameless impudence in laying claim to what 26 is yours appears to me manifest on many grounds, but I shall make their character to appear most clearly by a reference to your laws. For these men, when the jurors wished to impose a sentence of death upon Arethusius, begged the jurors to impose a fine in money, and begged me to give my assent to this;

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- 27 καὶ ὠμολόγησαν αὐτοὶ συνεκτείσειν. τοσοῦτου δὴ  
 δέουσιν ἐκτίνειν καθ' ἃ ἠγγυήσαντο, ὥστε καὶ τῶν  
 [1255] ὑμετέρων ἀμφισβητοῦσιν. καίτοι οἱ γε νόμοι  
 κελεύουσι τὴν οὐσίαν εἶναι δημοσίαν, ὃς ἂν ἐγ-  
 γυησάμενός τι τῶν τῆς πόλεως μὴ ἀποδιδῶ τὴν  
 ἐγγύην· ὥστε καὶ εἰ τούτων ἦν τὰνδράποδα, προσ-  
 ῆκεν αὐτὰ δημόσια εἶναι, εἴπερ τι τῶν νόμων  
 28 ὄφελος. καὶ πρὶν μὲν ὀφείλειν τῷ δημοσίῳ, ὃ  
 Ἄρεθούσιος ὠμολογεῖτο τῶν ἀδελφῶν εὐπορώτατος  
 εἶναι· ἐπειδὴ δ' οἱ νόμοι κελεύουσι τὰκείνου  
 ὑμέτερά εἶναι, τηνικαῦτα πένης ὧν φαίνεται ὃ  
 Ἄρεθούσιος, καὶ τῶν μὲν ἢ μήτηρ ἀμφισβητεῖ,  
 τῶν δ' οἱ ἀδελφοί. χρῆν δ' αὐτούς, εἴπερ ἐβού-  
 λοντο δικαίως προσφέρεσθαι πρὸς ὑμᾶς, ἀποδεί-  
 ξαντας ἅπασαν τὴν οὐσίαν τὴν ἐκείνου, τὰ τούτων  
 29 αὐτῶν εἴ τις ἀπέγραφεν, ἀμφισβητεῖν. ἐὰν οὖν  
 ἐνθυμηθῆτε, ὅτι οὐδέποτ' ἔσται ἀπορία τῶν ἀμ-  
 φισβητησόντων ὑμῖν περὶ τῶν ὑμετέρων,—ἢ γὰρ  
 ὀρφανούς ἢ ἐπικλήρους κατασκευάσαντες ἀξιώ-  
 σουσιν ἐλεεῖσθαι ὑφ' ὑμῶν, ἢ γῆρας καὶ ἀπορίας  
 καὶ τροφὰς μητρὶ λέγοντες, καὶ ὀδυρόμενοι δι' ὧν  
 μάλιστ' ἐλπίζουσιν ἐξαπατήσειν ὑμᾶς, πειράσσονται  
 ἀποστερηῆσαι τὴν πόλιν τοῦ ὀφλήματος.—ἐὰν οὖν  
 ταῦτα παριδόντες πάντα καταψηφίσσησθε, ὀρθῶς  
 βουλευέσθε.

## AGAINST NICOSTRATUS, 26-29

and they agreed to be jointly responsible for the payment. But so far are they from making payment 27 according to their guarantee, that they even lay claim to what is yours. And yet the laws enact that any man's estate shall be confiscated who, after guaranteeing any sum due to the state, does not make good his guarantee ; so that, even if the slaves belonged to them, they ought to be state-property, if the laws are of any use. And before Arethusius became a debtor 28 to the state, he was admitted to be the richest of the brothers, but since the laws declare his property to be yours, Arethusius is made out to be a poor man, and his mother lays claim to one part of his property, and his brothers to another. If they had wished to act fairly toward you, they should have disclosed the entire estate of Arethusius, and then have filed a claim, if any of their own property had been included in the inventory. If, then, you reflect that there will 29 be no lack of persons to lay claim to what is yours—for they will either suborn some orphans or heiresses and claim your sympathy, or they will talk about old age and embarrassments and a mother's maintenance, and by dwelling tearfully upon these matters by which they think they can most easily deceive you, they will try to rob the state of what is due her ;—if, I say, you disregard all these tricks, and reach an adverse verdict, you will decide aright.



AGAINST CONON

## INTRODUCTION

THIS speech was delivered in an action for assault and battery, brought against Conon by the plaintiff Ariston.

The sons of Conon had been encamped near the plaintiff while they were in garrison in Panactum and had indulged in drunkenness and all manner of gross actions, so that the men of the plaintiff's mess had in a body made complaint to the general. He had severely reprimanded the offenders, but even this had not made them desist. After the troops had returned to Athens, Ariston was one evening taking a walk in the agora with a friend, when Ctesias, one of the sons of Conon, met them. He was intoxicated, and observing Ariston, presently called his father and some friends who were drinking at a house near by, and the group fell upon Ariston, robbing him of his cloak, and beating and trampling upon him, so that when they left him he was half dead. The plaintiff brings forward witnesses who saw the assault and proves the seriousness of the injuries done him by the evidence of the surgeon who had attended him, making it clear that the attack was no mere drunken frolic but malicious assault, for which a graver charge than that of battery might well have been brought.

The genuineness of this excellent speech was not

## AGAINST CONON

doubted in antiquity, nor have modern scholars called it in question. It is highly praised by Dionysius of Halicarnassus (*De Admiranda Vi Dicendi in Demosth.* 12 and 13).

The reader may consult Schaefer, iii. pp. 247 ff., and Blass, iii. pp. 456 ff.

## LIV

## ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΕΙΑΣ

Ἵβρισθεῖς, ὦ ἄνδρες δικασταί, καὶ παθῶν ὑπὸ Κόνωνος τουτουὶ τοιαῦτα, ὥστε πολὺν χρόνον πάνυ μήτε τοὺς οἰκείους μήτε τῶν ἰατρῶν μηδένα προσδοκᾶν περιφεύξεσθαί με, ὑγιάνας καὶ σωθεῖς ἀπροσδοκῆτως ἔλαχον αὐτῷ τὴν δίκην τῆς αἰκείας ταυτηνί. πάντων δὲ τῶν φίλων καὶ τῶν οἰκείων, οἷς συνεβουλευόμην, ἔνοχον μὲν φασκόντων αὐτὸν ἐκ τῶν πεπραγμένων εἶναι καὶ τῇ τῶν λωποδυτῶν ἀπαγωγῇ καὶ ταῖς τῆς ὕβρεως γραφαῖς, συμβουλευόντων δέ μοι καὶ παραινούντων μὴ μείζω πράγματ' ἢ δυνήσομαι φέρειν ἐπάγεσθαι, μηδ' ὑπὲρ τὴν ἡλικίαν ὧν ἐπεπόνθειν ἐγκαλοῦντα φαίνεσθαι, οὕτως ἐποίησα καὶ δι' ἐκείνους ἰδίαν ἔλαχον δίκην, ἥδιστ' ἂν, ὦ ἄνδρες Ἀθηναῖοι, θανάτου κρίνας τοῦτον.  
 2 καὶ τούτου συγγνώμην ἔξετ', εὐ οἶδ' ὅτι, πάντες, ἐπειδὴν ἂ πέπονθ' ἀκούσητε· δεινῆς γὰρ οὔσης τῆς

<sup>a</sup> As guilty of highway robbery the defendant had made himself liable to summary arrest (ἀπαγωγή), and the gravity of his assault would have justified a public indictment for criminal outrage (ὕβρεως γραφή), for either of which crimes he would, if convicted, have suffered a heavy penalty. The



## LIV

### ARISTON AGAINST CONON, AN ACTION FOR ASSAULT

WITH gross outrage have I met, men of the jury, at the hands of the defendant, Conon, and have suffered such bodily injury that for a very long time neither my relatives nor any of the attending physicians thought that I should survive. Contrary to expectation, however, I did recover and regain my strength, and I then brought against him this action for the assault. All my friends and relatives, whose advice I asked, declared that for what he had done the defendant was liable to summary seizure as a highwayman, or to public indictments for criminal outrage<sup>a</sup>; but they urged and advised me not to take upon myself matters which I should not be able to carry, or to appear to be bringing suit for the maltreatment I had received in a manner too ambitious for one so young. I took this course, therefore, and, in deference to their advice, have instituted a private suit, although I should have been very glad, men of Athens, to prosecute the defendant on a capital charge. And<sup>2</sup> for this you will all pardon me, I am sure, when you hear what I have suffered. For, grievous as was private suit for assault and battery (*αἰκείας δίκη*) entailed merely a fine to be paid to the plaintiff.

τότε συμβάσης ὕβρεως, οὐκ ἐλάττων ἢ μετὰ ταῦτ' ἀσέλγει' ἐστὶ τούτου. ἀξιῶ δὴ καὶ δέομαι πάντων  
 [1257] ὁμοίως ὑμῶν, πρῶτον μὲν εὐνοϊκῶς ἀκούσαί μου  
 περὶ ὧν πέπονθα λέγοντος, εἴτ', ἐὰν ἡδικῆσθαι  
 καὶ παρανενομηῆσθαι δοκῶ, βοηθῆσαί μοι τὰ  
 δίκαια. ἐξ ἀρχῆς δ' ὡς ἕκαστα πέπρακται διηγῆ-  
 σομαι πρὸς ὑμᾶς, ὡς ἂν οἴός τ' ᾧ διὰ βραχυτάτων.  
 3 Ἐξῆλθον, ἕτος τουτὶ τρίτον, εἰς Πάνακτον φρου-  
 ρᾶς ἡμῖν προγραφείσης. ἐσκήνωσαν οὖν οἱ υἱεῖς  
 οἱ Κόνωνος τουτουὶ ἐγγυὲς ἡμῶν, ὡς οὐκ ἂν ἐβου-  
 λόμην· ἢ γὰρ ἐξ ἀρχῆς ἔχθρα καὶ τὰ προσκρούματα  
 ἐκείθεν ἡμῖν συνέβη, ἐξ ὧν δ', ἀκούσεσθε. ἔπινον  
 ἐκάστοθ' οὗτοι τὴν ἡμέραν, ἐπειδὴ τάχιστ' ἀρι-  
 στήσειαν, ὄλην, καὶ τοῦθ', ἕως περ ἡμεν ἐν τῇ  
 φρουρᾷ, διετέλουν ποιοῦντες. ἡμεῖς δ' ὥσπερ  
 4 ἐνθάδ' εἰώθειμεν, οὕτω διήγομεν καὶ ἔξω. ἦν  
 οὖν δειπνοποιεῖσθαι τοῖς ἄλλοις ὦραν συμβαίνοι,  
 ταύτην ἂν ἤδη παρώνουν οὗτοι, τὰ μὲν πόλλ' εἰς  
 τοὺς παῖδας ἡμῶν τοὺς ἀκολούθους, τελευτῶντες  
 δὲ καὶ εἰς ἡμᾶς αὐτούς. φῆσαντες γὰρ καπνίζεν  
 αὐτοὺς ὀψοποιουμένους τοὺς παῖδας ἢ κακῶς  
 λέγειν, ὅ τι τύχοιεν, ἔτυπτον καὶ τὰς ἀμίδας κατ-  
 εσκεδάωνυσαν καὶ προσεούρουν, καὶ ἀσελγείας καὶ  
 ὕβρεως οὐδ' ὅτιοῦν ἀπέλειπον. ὀρῶντες δ' ἡμεῖς  
 ταῦτα καὶ λυπούμενοι, τὸ μὲν πρῶτον ἐμεμφά-  
 μεθα, ὡς δ' ἐχλεύαζον ἡμᾶς καὶ οὐκ ἐπαίοντο,

<sup>a</sup> Panactum was an Athenian fort on the borders of Boeotia. An expedition to this point in 343 B.C. is mentioned by Demosthenes in Oration XIX § 326. However, as we are told by Aristotle, *Constitution of Athens* xlii. 4, that the ἔφηβοι (young men of military age), in the second year of their training, patrolled the country and spent their spare

the injury which at that time fell to my lot, it was no more so than the subsequent insults of the defendant. I ask as my right, therefore, and implore you all without distinction, to listen with goodwill, while I tell you what I have suffered, and then, if you think that I have been the victim of wrongful and lawless acts, to render me the aid which is my due. I shall state to you from the beginning each incident as it occurred in the fewest words I can.

Two years ago I went out to Panactum,<sup>a</sup> where we 3 had been ordered to do garrison duty. The sons of the defendant, Conon, encamped near us, as I would to heaven they had not done ; for our original enmity and our quarrels began in fact just there. How these came about, you shall hear. These men used always to spend the entire day after luncheon in drinking, and they kept this up continually as long as we were in the garrison. We, on our part, conducted ourselves while in the country just as we were wont to do here. Well, at whatever time the others might be having 4 their dinner, these men were already drunk and abusive, at first toward our body-slaves, but in the end toward ourselves. For, alleging that the slaves annoyed them with smoke while getting dinner, or were impudent toward them, or whatever else they pleased, they used to beat them and empty their chamber-pots over them, or befoul them with urine ; there was nothing in the way of brutality and outrage in which they did not indulge. When we saw this, we were annoyed and at first expostulated with them, but they mocked at us, and would not desist, and so

time in the forts, it may be that no formal military expedition is meant. In that case the loose discipline is more understandable.

## DEMOSTHENES

τῷ στρατηγῷ τὸ πρᾶγμ' εἶπομεν κοινῇ πάντες οἱ σύσσιτοι προσελθόντες, οὐκ ἐγὼ τῶν ἄλλων  
 5 ἕξω. λαιδορηθέντος δ' αὐτοῖς ἐκείνου καὶ κακί-  
 σαντος αὐτούς, οὐ μόνον περὶ ὧν εἰς ἡμᾶς ἠσέλ-  
 γαινον, ἀλλὰ καὶ περὶ ὧν ὅλως ἐποίουν ἐν τῷ  
 στρατοπέδῳ, τοσοῦτου ἐδέησαν παύσασθαι ἢ  
 αἰσχυνηθῆναι, ὥστ', ἐπειδὴ θάπτον συνεσκότασεν,  
 [1258] εὐθύς ὡς ἡμᾶς εἰσεπήδησαν ταύτῃ τῇ ἐσπέρᾳ, καὶ  
 τὸ μὲν πρῶτον κακῶς ἔλεγον, ἔπειτα δὲ καὶ πληγὰς  
 ἐνέτειναν ἐμοί, καὶ τοσαύτην κραυγὴν καὶ θόρυβον  
 περὶ τὴν σκηνὴν ἐποίησαν, ὥστε καὶ τὸν στρα-  
 τηγὸν καὶ τοὺς ταξιάρχους ἐλθεῖν καὶ τῶν ἄλλων  
 τινὰς στρατιωτῶν, οἵπερ ἐκώλυσαν μηδὲν ἡμᾶς  
 ἀνήκεστον παθεῖν μηδ' αὐτοὺς ποιῆσαι παροινου-  
 6 μένους ὑπὸ τούτων. τοῦ δὲ πράγματος εἰς τοῦτο  
 προσελθόντος, ὡς δεῦρ' ἐπανήλθομεν, ἦν ἡμῖν, οἶον  
 εἰκός, ἐκ τούτων ὀργὴ καὶ ἔχθρα πρὸς ἀλλήλους.  
 οὐ μὴν ἔγωγε μὰ τοὺς θεοὺς ὦμην δεῖν οὔτε δίκην  
 λαχεῖν αὐτοῖς οὔτε λόγον ποιεῖσθαι τῶν συμ-  
 βάντων οὐδένα, ἀλλ' ἐκείνο ἀπλῶς ἐγνώκειν, τὸ  
 λοιπὸν εὐλαβεῖσθαι καὶ φυλάττεσθαι μὴ πλησιάζειν  
 τοῖς τοιούτοις.

Πρῶτον οὖν ὧν εἶρηκα τούτων βούλομαι τὰς  
 μαρτυρίας παρασχόμενος, μετὰ ταῦθ' οἷ' ὑπ' αὐτοῦ  
 τούτου πέπονθ' ἐπιδείξαι, ἵν' εἰδῆθ' ὅτι ᾧ προσῆκε  
 τοῖς τὸ πρῶτον ἀμαρτηθεῖσιν ἐπιτιμᾶν, οὗτος αὐτὸς  
 πρὸς τούτοις πολλῷ δεινότερ' εἵργασται.

### ΜΑΡΤΥΡΙΑΙ

7 Ὡν μὲν τοίνυν οὐδέν' ὦμην δεῖν λόγον ποιεῖσθαι,  
 180

our whole mess in a body—not I alone apart from the rest—went to the general and told him what was going on. He rebuked them with stern words, not only for their brutal treatment of us, but for their whole behaviour in camp; yet so far from desisting, or being ashamed of their acts, they burst in upon us that very evening as soon as it grew dark, and, beginning with abusive language, they proceeded to beat me, and they made such a clamour and tumult about the tent, that both the general and the taxiarchs<sup>a</sup> came and some of the other soldiers, by whose coming we were prevented from suffering, or ourselves doing, some damage that could not be repaired, being victims as we were of their drunken violence. When matters had gone thus far, it was natural that after our return home there should exist between us feelings of anger and hatred. However, on my own part I swear by the gods I never saw fit to bring an action against them, or to pay any attention to what had happened. I simply made this resolve—in future to be on my guard, and to take care to have nothing to do with people of that sort.

I wish in the first place to bring before you depositions proving these statements, and then to show what I have suffered at the hands of the defendant himself, in order that you may see that Conon, who should have dealt rigorously with the first offences, has himself added to these far more outrageous acts of his own doing.

#### THE DEPOSITIONS

These, then, are the acts of which I thought proper

<sup>a</sup> The taxiarchs were the commanders of the infantry detachments of the several tribes.

## DEMOSTHENES

ταῦτ' ἔστιν. χρόνῳ δ' ὕστερον οὐ πολλῶ περι-  
 πατοῦντος, ὥσπερ εἰώθειν, ἐσπέρας ἐν ἀγορᾷ μου  
 μετὰ Φανοστράτου τοῦ Κηφισιέως, τῶν ἡλικιωτῶν  
 τινός, παρέρχεται Κτησίας ὁ υἱὸς ὁ τούτου, μεθύων,  
 κατὰ τὸ Λεωκόριον, ἐγγὺς τῶν Πυθοδώρου.  
 κατιδὼν δ' ἡμᾶς καὶ κραυγᾶσας, καὶ διαλεχθεῖς τι  
 πρὸς αὐτὸν οὕτως ὡς ἂν μεθύων, ὥστε μὴ μαθεῖν  
 ὃ τι λέγοι, παρῆλθε πρὸς Μελίτην ἄνω. ἔπειτα  
 [1259] δ' ἄρ' ἐνταῦθα (ταῦτα γὰρ ὕστερον ἐπυθόμεθα) παρὰ  
 Παμφίλῳ τῷ κναφεῖ Κόνων οὔτοσί, Θεότιμός  
 τις, Ἀρχεβιάδης, Σπίνθαρος ὁ Εὐβούλου, Θεογένης  
 ὁ Ἀνδρομένους, πολλοὶ τινες, οὓς ἐξαναστήσας ὁ  
 8 Κτησίας ἐπορεύετ' εἰς τὴν ἀγοράν. καὶ ἡμῖν  
 συνέβαινε ἀναστρέφουσιν ἀπὸ τοῦ Φερρεφαττίου  
 καὶ περιπατοῦσιν πάλιν κατ' αὐτό πως τὸ Λεω-  
 κόριον εἶναι, καὶ τούτοις περιτυγχάνομεν. ὡς δ'  
 ἀνεμείχθημεν, εἰς μὲν αὐτῶν, ἀγνώσ τις, τῷ Φανο-  
 στράτῳ προσπίπτει καὶ κατεῖχεν ἐκείνον, Κόνων  
 δ' οὔτοσί καὶ ὁ υἱὸς αὐτοῦ καὶ ὁ Ἀνδρομένους  
 υἱὸς ἐμοὶ προσπεσόντες, τὸ μὲν πρῶτον ἐξέδυσαν,  
 εἶθ' ὑποσκελίσαντες καὶ ράξαντες εἰς τὸν βόρβορον,  
 οὕτω διέθηκαν ἐναλλόμενοι καὶ παίοντες, ὥστε τὸ  
 μὲν χεῖλος διακόψαι, τοὺς δ' ὀφθαλμοὺς συγ-  
 κλείσαι· οὕτω δὲ κακῶς ἔχοντα κατέλιπον, ὥστε  
 9 μῆτ' ἀναστήναι μῆτε φθέγγασθαι δύνασθαι. κεί-  
 μενος δ' αὐτῶν ἤκουον πολλὰ καὶ δεινὰ λεγόντων.

<sup>a</sup> Cephisia, a deme of the tribe Eretheis.

<sup>b</sup> This suggests that they were in the same military age-  
 class, and may have been together in camp at Panactum.

<sup>c</sup> This was a monument erected in honour of the three

## AGAINST CONON, 7-9

to take no account. Not long after this, however, one evening, when I was taking a walk, as my custom was, in the agora with Phanostratus of Cephisia,<sup>a</sup> a man of my own age,<sup>b</sup> Ctesias, the son of the defendant, passed by me in a drunken state opposite the Leocorion,<sup>c</sup> near the house of Pythodorus. At sight of us he uttered a yell, and, saying something to himself, as a drunken man does, in an unintelligible fashion, passed on up, toward Melitê.<sup>d</sup> Gathered together there for a drinking bout, as we afterwards learned, at the house of Pamphilus the fuller, were the defendant Conon, a certain Theotimus, Archebiades, Spintharus, son of Eubulus, Theogenes, son of Andromenes, and a number of others. Ctesias made them all get up, and proceeded to the agora. It happened that we were turning back from the temple of Persephonê,<sup>e</sup> and on our walk were again about opposite the Leocorion when we met them. When we got close to them one of them, I don't know which, fell upon Phanostratus and pinned him, while the defendant Conon together with his son and the son of Andromenes threw themselves upon me. They first stripped me of my cloak, and then, tripping me up they thrust me into the mud and leapt upon me and beat me with such violence that my lip was split open and my eyes closed ; and they left me in such a state that I could neither get up nor utter a sound. As I lay there I heard them utter much outrageous

daughters of Leos, whom, in obedience to an oracle, their father had sacrificed for the safety of their country.

<sup>a</sup> Melitê was a hilly district in the western part of Athens, its entrance from the agora being through the hollow between the extremity of the Areopagus and the Κολωνός Ἀγοραῖος.

<sup>e</sup> The site of this temple, as that of the Leocorion, remains uncertain.

## DEMOSTHENES

καὶ τὰ μὲν ἄλλα καὶ βλασφημίαν ἔχει τινὰ καὶ λέγειν ὀκνήσαιμ' ἂν ἐν ὑμῖν ἔνια, ὃ δὲ τῆς ὑβρεώς ἐστὶ τῆς τούτου σημεῖον καὶ τεκμήριον τοῦ πάν τὸ πρᾶγμ' ὑπὸ τούτου γεγενῆσθαι, τοῦθ' ὑμῖν ἐρῶ. ἦδε γὰρ τοὺς ἀλεκτρυόνας μιμούμενος τοὺς νενικηκότας, οἱ δὲ κροτεῖν τοῖς ἀγκῶσιν αὐτὸν ἠξίουσαν ἀντὶ πτερύγων τὰς πλευράς. καὶ μετὰ ταῦτ' ἐγὼ μὲν ἀπεκομίσθην ὑπὸ τῶν παρατυχόντων γυμνός, οὗτοι δ' ὄχοντο θοιμάτιον λαβόντες μου. ὡς δ' ἐπὶ τὴν θύραν ἦλθον, κραυγὴ καὶ βοή τῆς μητρὸς καὶ τῶν θεραπαινίδων ἦν, καὶ μόγις ποτ' εἰς βαλανεῖον ἐνεγκόντες με καὶ περιπλύναντες ἔδειξαν τοῖς ἰατροῖς.

Ὡς οὖν ταῦτ' ἀληθῆ λέγω, τούτων ὑμῖν τοὺς μάρτυρας παρέξομαι.

[1260]

### ΜΑΡΤΥΡΕΣ

- 10 Συνέβη τοίνυν, ὧ ἄνδρες δικασταί, καὶ Εὐξίθειον τουτονὶ τὸν Χολλείδην, ὄνθ' ἡμῖν συγγενῆ, καὶ Μειδίαν μετὰ τούτου, ἀπὸ δείπνου ποθὲν ἀπιόντας περιτυχεῖν πλησίον ὄντι μοι τῆς οἰκίας ἤδη, καὶ εἰς τὸ βαλανεῖον φερομένῳ παρακολουθῆσαι, καὶ ἰατρὸν ἄγουσι παραγενέσθαι. οὕτω δ' εἶχον ἀσθενῶς, ὥσθ', ἵνα μὴ μακρὰν φεροίμην οἴκαδ' ἐκ τοῦ βαλανείου, ἐδόκει τοῖς παροῦσιν ὡς τὸν Μειδίαν ἐκείνην τὴν ἐσπέραν κομίσαι, καὶ ἐποίησαν οὕτω.

Λάβ' οὖν καὶ τὰς τούτων μαρτυρίας, ἵν' εἰδῆθ' ὅτι πολλοὶ συνίσασιν ὡς ὑπὸ τούτων ὑβρίσθην.



## AGAINST CONON, 9-10

language, a great deal of which was such foul abuse that I should shrink from repeating some of it in your presence. One thing, however, which is an indication of the fellow's insolence and a proof that the whole affair has been of his doing, I will tell you. He began to crow, mimicking fighting cocks that have won a battle and his fellows bade him flap his elbows against his sides like wings. After this some people who happened to pass took me home stripped as I was, for these men had gone off taking my cloak with them. When my bearers got to my door, my mother and the women servants began shrieking and wailing, and it was with difficulty that I was at length carried to a bath. There I was thoroughly bathed, and shown to the surgeons.

To prove that these statements of mine are true, I shall call before you the witnesses who attest them.

### THE WITNESSES

It happened, men of the jury, that Euxitheus of 10 Cholleidae,<sup>a</sup> who is here in court and is a relative of mine, and with him Meidias, on their way back from a dinner somewhere, came up to me, when I was now near my home, followed after me as I was borne to the bath, and were present when men brought the surgeon. I was so weak, that, as it was far for me to be carried from the bath to my home, those who were with me decided to carry me to the house of Meidias for that night; and so they did.

Now let the clerk take the depositions establishing these facts, that you may understand that a host of people know what outrage I suffered at the hands of these men.

<sup>a</sup> Cholleidae, a deme of the tribe Leontis.

## DEMOSTHENES

### ΜΑΡΤΥΡΙΑΙ

Λαβὲ δὴ καὶ τὴν τοῦ ἱατροῦ μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- 11 Τότε μὲν τοίνυν παραχρῆμ' ὑπὸ τῶν πληγῶν ὧν ἔλαβον καὶ τῆς ὕβρεως οὕτω διετέθην, ὡς ἀκούετε καὶ μεμαρτύρηται παρὰ πάντων ὑμῖν τῶν εὐθὺς ἰδόντων. μετὰ ταῦτα δὲ τῶν μὲν οἰδημάτων τῶν ἐν τῷ προσώπῳ καὶ τῶν ἐλκῶν, οὐδὲν ἔφη φοβεῖσθαι λίαν ὁ ἱατρός, πυρετοὶ δὲ παρηκολούθουν μοι συνεχεῖς καὶ ἀλγήματα, ὅλου μὲν τοῦ σώματος πάνυ σφοδρὰ καὶ δεινὰ, μάλιστα δὲ τῶν πλευρῶν
- 12 καὶ τοῦ ἥτρου, καὶ τῶν σιτίων ἀπεκεκλείμην. καὶ ὡς μὲν ὁ ἱατρός ἔφη, εἰ μὴ κάθαρσις αἵματος αὐτομάτῃ μοι πάνυ πολλὴ συνέβη περιωδύνῳ τ' ὄντι καὶ ἀπορουμένων ἤδη, κἂν ἔμπυος γενόμενος διεφθάρην· νῦν δὲ τοῦτ' ἔσωσε τὸ αἷμ' ἀποχωρῆσαν.
- Ἔως οὖν καὶ ταῦτ' ἀληθῆ λέγω, καὶ παρηκολούθησέ μοι τοιαύτη νόσος ἐξ ἧς εἰς τοῦσχατον ἦλθον, ἐξ ὧν ὑπὸ τούτων ἔλαβον πληγῶν, λέγε τὴν τοῦ ἱατροῦ μαρτυρίαν καὶ τὴν τῶν ἐπισκοποῦντων.

### ΜΑΡΤΥΡΙΑΙ

- 13 Ὅτι μὲν τοίνυν οὐ μετρίας τινὰς καὶ φαύλας λαβὼν πληγὰς, ἀλλ' εἰς πᾶν ἐλθὼν διὰ τὴν ὕβριν καὶ τὴν ἀσέλγειαν τὴν τούτων, πολὺ τῆς προσηκούσης ἐλάττω δίκην εἴληχα, πολλαχόθεν νομίζω δῆλον ὑμῖν γεγενῆσθαι. οἶομαι δ' ὑμῶν ἐνίους

## AGAINST CONON, 10-13

### THE DEPOSITIONS

(*To the clerk.*) Take now the deposition of the surgeon also.

### THE DEPOSITION

At that time, then, as the immediate result of the 11  
blows and the maltreatment I received, I was brought  
into this condition, as you hear from my own lips, and  
as all the witnesses who saw me at the time have  
testified. Afterwards, although the swellings on my  
face and the bruises, my physician said, did not give  
him great concern, continuous attacks of fever ensued  
and violent and acute pains throughout all my body,  
but especially in my sides and the pit of my stomach,  
and I was unable to take my food. Indeed, the 12  
surgeon said that, if a copious haemorrhage had not  
spontaneously occurred, while my agony was extreme  
and my attendants were at their wits' end, I should  
have died of internal suppuration ; but as it was, this  
loss of blood saved me.

To prove now that these statements of mine are  
true, and that from the blows which these men dealt  
me there resulted an illness so severe that it brought  
me to the point of death, (*to the clerk*) read the de-  
positions of the surgeon and of those who came to  
see me.

### THE DEPOSITIONS

That the wounds I received, then, were not slight 13  
or trifling, but that I was brought near to death  
by the outrage and brutality of these men, and that  
the action which I have entered is far more lenient  
than the case deserves, has been made clear to you, I  
think, on many grounds. I fancy, however, that

## DEMOSTHENES

- θαυμάζειν, τί ποτ' ἐστὶν ἃ πρὸς ταῦτα τολμήσει Κόνων λέγειν. βούλομαι δὴ προειπεῖν ὑμῖν, ἃ ἐγὼ πέπυσμαι λέγειν αὐτὸν παρεσκευάσθαι, ἀπὸ τῆς ὕβρεως καὶ τῶν πεπραγμένων τὸ πρᾶγμ' ἄγοντ' εἰς γέλωτα καὶ σκώμματ' ἐμβαλεῖν πειράσεσθαι,
- 14 καὶ ἐρεῖν ὡς εἰσὶν ἐν τῇ πόλει πολλοί, καλῶν κάγαθῶν ἀνδρῶν υἱεῖς, οἳ παίζοντες οἳ ἄνθρωποι νέοι σφίσιν αὐτοῖς ἐπωνυμίας πεποιήνται, καὶ καλοῦσι τοὺς μὲν ἰθυφάλλους, τοὺς δ' αὐτοληκύθους, ἐρῶσι δ' ἐκ τούτων ἑταιρῶν τινές, καὶ δὴ καὶ τὸν υἱὸν τὸν ἑαυτοῦ εἶναι τούτων ἕνα, καὶ πολλάκις περὶ ἑταίρας καὶ εἰληφέναι καὶ δεδωκέναι πληγὰς, καὶ ταῦτ' εἶναι νέων ἀνθρώπων. ἡμᾶς δὲ πάντας τοὺς ἀδελφοὺς παροίνους μὲν τινας καὶ ὑβριστὰς κατασκευάσει, ἀγνώμονας δὲ καὶ πικρούς.
- 15 Ἐγὼ δ', ὦ ἄνδρες δικασταί, χαλεπῶς ἐφ' οἷς πέπονθα ἐνηνοχῶς, οὐχ ἦττον τοῦτ' ἀγανακτῆσαιμ' ἢ καὶ ὑβρισθῆναι νομίσαιμ', εἰ οἷόν τ' εἰπεῖν, εἰ ταῦτ' ἀληθῆ δόξει Κόνων οὐτοσὶ λέγειν περὶ ἡμῶν, καὶ
- [1262] τσαύτη τις ἄγνοια παρ' ὑμῖν ἐστίν, ὥσθ', ὅποιος ἂν τις ἕκαστος εἶναι φῆ, ἢ ὁ πλησίον αὐτὸν αἰτιάσῃται, τοιοῦτος νομισθήσεται, τοῦ δὲ καθ' ἡμέραν βίου καὶ τῶν ἐπιτηδευμάτων μηδ' ὅτιοῦν ἔσται τοῖς
- 16 μετρίοις ὄφελος. ἡμεῖς γὰρ οὔτε παροινούντες οὔθ' ὑβρίζοντες ὑπ' οὐδενὸς ἀνθρώπων ἐωράμεθα, οὔτ'

<sup>a</sup> These words are best left untranslated (Kennedy, following Auger, renders them "Priapi and Sileni"). The former suggests gross licentiousness, and the latter, for which various meanings have been proposed, has been plausibly interpreted by Sandys as indicating one who carried his own oil-flask (*λήκυθος*). He would thus dispense with the customary slave, and be freed from having even such an one as witness to his wanton doings.

## AGAINST CONON, 13-16

some of you are wondering what in the world there can be that Conon will have the audacity to say in reply to these charges. I wish, therefore, to tell you in advance the defence which I hear he is prepared to make. He will try to divert your attention from the outrage and the actual facts, and will seek to turn the whole matter into mere jest and ridicule. He will 14 tell you that there are many people in the city, sons of respectable persons, who in sport, after the manner of young men, have given themselves nicknames, such as Ithyphalli or Autolecythi,<sup>a</sup> and that some of them are infatuated with mistresses ; that his own son is one of these and has often given and received blows on account of some girl ; and that things of this sort are natural for young men. As for me and all my brothers, he will make out that we are not only drunken and insolent fellows, but also unfeeling and vindictive.<sup>b</sup>

For myself, men of the jury, deeply indignant 15 though I am at what I have suffered, I should feel no less indignation at this, and should count myself the victim of a fresh outrage, if you will pardon the strong expression, if this fellow Conon shall be deemed by you to be speaking the truth about us, and you are to be so misguided as to assume that a man bears the character which he claims for himself or which someone else accuses him of possessing, and respectable people are to derive no benefit from their daily life and conduct. No man in the world has ever seen us 16 drunken or committing outrages, and I hold that I

<sup>b</sup> Conon, the speaker says, will represent us as being as much addicted to drunkenness and violence as himself and his sons, but surly and vindictive in going to law over such trifling matters !

## DEMOSTHENES

ἄγνωμον οὐδὲν ἡγούμεθα ποιεῖν, εἰ περὶ ὧν ἡδική-  
 μεθ' ἀξιούμεν κατὰ τοὺς νόμους δίκην λαβεῖν.  
 ἰθυφάλλοις δὲ καὶ αὐτοληκύθοις συγχωρούμεν εἶναι  
 τοῖς υἱέσι τοῖς τούτου· καὶ ἔγωγ' εὐχομαι τοῖς  
 θεοῖς εἰς Κόνωνα καὶ τοὺς υἱεῖς τοὺς τούτου καὶ

17 ταῦτα καὶ τὰ τοιαῦθ' ἅπαντα τρέπεσθαι. οὗτοι  
 γάρ εἰσιν οἱ τελοῦντες ἀλλήλους τῷ ἰθυφάλλῳ, καὶ  
 τοιαῦτα ποιοῦντες ἅ πολλὴν αἰσχύνην ἔχει καὶ  
 λέγειν, μή τί γε δὴ ποιεῖν ἀνθρώπους μετρίουσ.

Ἄλλὰ τί ταῦτ' ἐμοί; θαυμάζω γὰρ ἔγωγ', εἴ τίς  
 ἔστιν πρόφασις παρ' ὑμῖν ἢ σκῆψις εὐρημένη, δι'  
 ἣν, ἂν ὑβρίζων τις ἐξελέγχηται καὶ τύπτων, δίκην  
 οὐ δώσει. οἱ μὲν γὰρ νόμοι πολὺ τὰναντία καὶ τὰς  
 ἀναγκαίας προφάσεις, ὅπως μὴ μείζους γίνωνται,  
 προείδοντο· οἷον (ἀνάγκη γάρ μοι ταῦτα καὶ ζητεῖν  
 καὶ πυνθάνεσθαι διὰ τοῦτον γέγονεν) εἰσὶ κακη-

18 γορίας δίκαι· φασὶ τοίνυν ταύτας διὰ τοῦτο γίγνε-  
 σθαι, ἵνα μὴ λαιδορούμενοι τύπτειν ἀλλήλους προ-  
 ἄγωνται. πάλιν αἰκείας εἰσίν· καὶ ταύτας ἀκούω  
 διὰ τοῦτ' εἶναι τὰς δίκας, ἵνα μηδεῖς, ὅταν ἦττων  
 ᾖ, λίθῳ μηδὲ τῶν τοιούτων ἀμύνηται μηδενί, ἀλλὰ  
 τὴν ἐκ τοῦ νόμου δίκην ἀναμένη. τραύματος πάλιν  
 εἰσὶ γραφαί, τοῦ μὴ τιτρωσκομένων τινῶν φόνους

19 γίγνεσθαι. τὸ φαυλότατον, οἶμαι, τὸ τῆς λαιδορίας,  
 πρὸ τοῦ τελευταίου καὶ δεινοτάτου προεώραται,  
 τοῦ μὴ φόνον γίγνεσθαι, μηδ' ὑπάγεσθαι κατὰ

[1263] μικρὸν ἐκ μὲν λαιδορίας εἰς πληγὰς, ἐκ δὲ πληγῶν  
 εἰς τραύματα, ἐκ δὲ τραυμάτων εἰς θάνατον, ἀλλ'

am doing nothing unfeeling in demanding to receive satisfaction according to the law for the wrongs I have suffered. This man's sons are welcome, so far as I am concerned, to be Ithyphalli and Autolecythi; I only pray the gods that these things and all things like them may recoil upon Conon and his sons; for 17 they are those who initiate one another with the rites of Ithyphallus, and indulge in acts which decent people cannot even speak of without deep disgrace, to say nothing of performing them.

But what has all this to do with me? Why, for my part, I am amazed if they have discovered any excuse or pretext which will make it possible in your court for any man, if convicted of assault and battery, to escape punishment. The laws take a far different view, and have provided that even pleas of necessity shall not be pressed too far. For example (you see I have had to inquire into these matters and inform myself about them because of the defendant), there are actions for evil-speaking; and I am told 18 that these are instituted for this purpose—that men may not be led on, by using abusive language back and forth, to deal blows to one another. Again, there are actions for battery; and these, I hear, exist for this reason—that a man, finding himself the weaker party, may not defend himself with a stone or anything of that sort, but may await legal redress. Again, there are public prosecutions for wounding, to the end that wounds may not lead to murder. The 19 least of these evils, namely abusive language, has, I think, been provided for to prevent the last and most grievous, that murder may not ensue, and that men be not led on step by step from vilification to blows, from blows to wounds, and from wounds to

## DEMOSTHENES

ἐν τοῖς νόμοις εἶναι τούτων ἐκάστου τὴν δίκην, μὴ τῇ τοῦ προστυχόντος ὀργῇ μηδὲ βουλήσει ταῦτα κρίνεσθαι.

- 20 Εἶτ' ἐν μὲν τοῖς νόμοις οὕτως· ἂν δ' εἶπη Κόνων  
 “ ἰθύφαλλοὶ τινές ἐσμεν ἡμεῖς συνηγμένοι, καὶ  
 ἐρώντες οὓς ἂν ἡμῖν δόξῃ παίομεν καὶ ἄγχομεν,”  
 εἶθ' ὑμεῖς γελάσαντες ἀφήσετε; οὐκ οἶομαί γε.  
 οὐ γὰρ ἂν γέλωσ ὑμῶν ἔλαβ' οὐδένα, εἰ παρῶν  
 ἐτύγχανεν, ἡνίχ' εἰλκόμην καὶ ἐξεδυόμην καὶ ὑβρι-  
 ζόμην, καὶ ὑγιῆς ἐξελθὼν φοράδην ἦλθον οἴκαδε,  
 ἐξεπεπηδήκει δὲ ἡ μήτηρ, καὶ κραυγὴ καὶ βοή  
 τῶν γυναικῶν τοσαύτη παρ' ἡμῖν ἦν ὥσπερανεὶ  
 τεθνεώτός τινος, ὥστε τῶν γειτόνων τινὰς πέμψαι  
 πρὸς ἡμᾶς ἐρησομένους ὃ τι ἐστὶ τὸ συμβε-  
 21 βηκός. ἴσως δ', ὧ ἄνδρες δικασταί, δίκαιον <sup>ἐστὶ</sup> μὲν  
 οὐδενὶ δήπου σκῆψιν οὐδεμίαν τοιαύτην οὐδ' ἄδειαν <sup>ἔστι</sup>  
 ὑπάρχειν παρ' ὑμῖν, δι' ἣν ὑβρίζειν ἐξέσται· εἰ δ'  
 ἄρ' ἐστὶ τῷ, τοῖς δι' ἡλικίαν τούτων τι πράττουσι,  
 τούτοις ἀποκεῖσθαι προσήκει τὰς τοιαύτας κατα-  
 φυγὰς, κακείνοις οὐκ εἰς τὸ μὴ δοῦναι δίκην, ἀλλ'  
 22 εἰς τὸ τῆς προσηκούσης ἐλάττω. ὅστις δ' ἐτῶν  
 μὲν ἐστὶ πλειόνων ἢ πεντήκοντα, παρῶν δὲ νεω-  
 τέροις ἀνθρώποις καὶ τούτοις υἱέσιν, οὐχ ὅπως  
 ἀπέτρεψεν ἢ διεκώλυσεν, ἀλλ' αὐτὸς ἡγεμὼν καὶ  
 πρῶτος καὶ πάντων βδελυρώτατος γεγένηται, τίν'  
 ἂν οὗτος ἀξίαν τῶν πεπραγμένων ὑπόσχοι δίκην;  
 ἐγὼ μὲν γὰρ οὐδ' ἀποθανόντ' οἶομαι. καὶ γὰρ εἰ  
 μηδὲν αὐτὸς εἵργαστο τῶν πεπραγμένων, ἀλλ' εἰ



murder, but that in the laws its own penalty should be provided for each of these acts, and that the decision should not be left to the passion or the will of the person concerned.

This, then, is what is ordained in the laws ; but if 20  
 Conon says, " We belong to a club of Ithyphalli, and in our love-affairs we strike and throttle whom we please," are you, then, going to let him off with a laugh ? I think not. No one of you would have been seized with a fit of laughter, if he had happened to be present when I was dragged and stripped and maltreated, when I was borne home on a litter to the house which I had left strong and well, and my mother rushed out, and the women set up such a wailing and screaming (as if someone had died in the house) that some of the neighbours sent to inquire what it was that had happened. Speaking 21  
 broadly, men of the jury, I hold it right that no man should have any excuse or immunity to rely on, when he is brought before you, so valid that he is to be permitted to commit outrage ; but if allowance is to be made for anyone, it should be for those only who commit an act of this sort in the folly of youth,—it is for these, I say, that such indulgence should be reserved, and even in their case it should not extend to the remission of the penalty, but to its mitigation. But when a man over fifty years of age in the company 22  
 of younger men, and these his own sons, not only did not discourage or prevent their wantonness, but has proved himself the leader and the foremost and the vilest of all, what punishment could he suffer that would be commensurate with his deeds ? For my part, I think that even death would be too mild. Why, if Conon had committed none of the acts himself, but

## DEMOSTHENES

- [1264] παρεστηκότος τούτου Κτησίας ὁ υἱὸς ὁ τούτου  
 ταῦθ' ἄπερ νυνὶ πεποιηκῶς ἐφαίνεται, τοῦτον ἐμι-  
 23 σεῖτ' ἂν δικαίως. εἰ γὰρ οὕτω τοὺς αὐτοῦ προῆκται  
 παῖδας, ὥστ' ἐναντίον ἐξαμαρτάνοντας ἑαυτοῦ, καὶ  
 ταῦτ' ἐφ' ὧν ἐνίοις θάνατος ἢ ζημία κείται, μήτε  
 φοβεῖσθαι μήτ' αἰσχύνεσθαι, τί τοῦτον οὐκ ἂν  
 εἰκότως παθεῖν οἴεσθε; ἐγὼ μὲν γὰρ ἠγοῦμαι  
 ταῦτ' εἶναι σημεῖα τοῦ μηδὲ τοῦτον τὸν ἑαυτοῦ  
 πατέρ' αἰσχύνεσθαι· εἰ γὰρ ἐκείνον αὐτὸς ἐτίμα  
 κἀδεδίει, κἂν τούτους αὐτὸν ἠξίου.
- 24 Λαβὲ δὴ μοι καὶ τοὺς νόμους, τὸν τε τῆς ὕβρεως  
 καὶ τὸν περὶ τῶν λωποδυτῶν· καὶ γὰρ τούτοις  
 ἀμφοτέροις ἐνόχους τούτους ὄψεσθε. λέγε.

### NOMOI

Τούτοις τοῖς νόμοις ἀμφοτέροις ἐκ τῶν πε-  
 πραγμένων ἐνόχος Κόνων ἐστὶν οὕτοσί· καὶ γὰρ  
 ὕβριζεν καὶ ἐλωποδύτει. εἰ δὲ μὴ κατὰ τούτους  
 προειλόμεθ' ἡμεῖς δίκην λαμβάνειν, ἡμεῖς μὲν  
 ἀπράγμονες καὶ μέτριοι φαινοίμεθ' ἂν εἰκότως,  
 25 οὗτος δ' ὁμοίως πονηρός. καὶ μὴν εἰ παθεῖν τί  
 μοι συνέβη, φόνου καὶ τῶν δεινοτάτων ἂν ἦν  
 ὑπόδικος. τὸν γοῦν τῆς Βραυρωνόθεν ἱερείας  
 πατέρ' ὁμολογουμένως οὐχ ἀψάμενον τοῦ τελευτή-  
 σαντος, ὅτι τῷ πατάξαντι τύπτειν παρεκελεύσατο,  
 ἐξέβαλ' ἢ βουλή ἢ ἐξ' Ἀρείου πάγου. δικαίως·  
 εἰ γὰρ οἱ παρόντες ἀντὶ τοῦ κωλύειν τοὺς ἢ δι'

<sup>a</sup> A frequent euphemism for, "if my death had ensued."

<sup>b</sup> Brauron was a district on the eastern coast of Attica, where there was a famous shrine of Artemis. It was to this point that Orestes and Iphigeneia were said to have brought

had merely stood by while his son Ctesias did what he is himself proved to have done, you would regard him with loathing, and rightly. For if he has trained up 23 his sons in such fashion that they feel no fear or shame while committing in his presence crimes for some of which the punishment of death is ordained, what punishment do you think too severe for him? I think these actions are a proof that he has no reverence for his own father; for if he had honoured and feared him, he would have exacted honour and fear from his own children.

(*To the clerk.*) Now take the statutes, that concerning 24 assault and that concerning highway robbers. (*To the jury.*) You will see that the defendant is amenable to them both. Read.

#### THE LAWS

By both these statutes, then, the defendant Conon is amenable for what he has done; for he committed both assault and highway robbery. If I on my part have not chosen to proceed against him under these statutes, that should fairly prove that I am a peaceful and inoffensive person, not that he is any the less a villain. And, assuredly, if anything had happened 25 to me,<sup>a</sup> he would have been liable to a charge of murder and the severest of penalties. At any rate the father of the priestess at Brauron,<sup>b</sup> although it was admitted that he had not laid a finger on the deceased, but had merely urged the one who dealt the blow to keep on striking, was banished by the court of the Areopagus. And justly; for, if the bystanders, instead of preventing those who through the statue of Artemis from the land of the Taurians. The facts regarding the case alluded to are unknown.

## DEMOSTHENES

οἶνον ἢ δι' ὄργην ἢ τιν' ἄλλην αἰτίαν ἐξαμαρτάνειν ἐπιχειροῦντας αὐτοὶ παροξυνούσιν, οὐδεμί' ἐστὶν ἐλπίς σωτηρίας τῷ περιπίπτοντι τοῖς ἀσελγαίνουσιν, ἀλλ' ἕως ἂν ἀπέιπωσιν, ὑβρίζεσθαι ὑπάρξει· ὅπερ ἐμοὶ συνέβη.

- 26 "Α τοίνυν, ὅθ' ἡ δίαίτ' ἐγίγνετ', ἐποίουν, βού-  
 [1265] λομαι πρὸς ὑμᾶς εἰπεῖν· καὶ γὰρ ἐκ τούτων τὴν ἀσέλγειαν θεάσεσθ' αὐτῶν. ἐποίησαν μὲν ἕξω μέσων νυκτῶν τὴν ὥραν, οὔτε τὰς μαρτυρίας ἀναγιγνώσκειν ἐθέλοντες, οὔτ' ἀντίγραφα διδόναι, τῶν τε παρόντων ἡμῖν καθ' ἓν οὕτωςι πρὸς τὸν λίθον ἄγοντες καὶ ἐξορκοῦντες, καὶ γράφοντες μαρτυρίας οὐδὲν πρὸς τὸ πρᾶγμα, ἀλλ' ἐξ ἐταίρας εἶναι παιδίον αὐτῷ τούτο καὶ πεπονθέναι τὰ καὶ τά, ἃ μὰ τοὺς θεοὺς, ἄνδρες δικασταί, οὐδεὶς ὅστις οὐκ ἐπετίμα τῶν παρόντων καὶ ἐμίσει, τελευ-  
 27 τῶντες δὲ καὶ αὐτοὶ ἑαυτούς. ἐπειδὴ δ' οὖν ποτ' ἀπέιπον κἀνεπλήσθησαν ταῦτα ποιοῦντες, προ-  
 καλοῦνται ἐπὶ διακρούσει καὶ τῷ μὴ σημανθῆναι τοὺς ἐχίνους, ἐθέλειν ἐκδοῦναι περὶ τῶν πληγῶν παῖδας, ὀνόματα γράψαντες. καὶ νῦν οἶμαι περὶ τούτ' ἔσεσθαι τοὺς πολλοὺς τῶν λόγων αὐτοῖς. ἐγὼ δ' οἶμαι δεῖν πάντα ὑμᾶς ἐκεῖνο σκοπεῖν, ὅτι οὔτοι, εἰ τοῦ γενέσθαι τὴν βάσανον ἔνεκα προ-  
 28 ὑπολοίπου σκλήψεως οὔσης, προῦκαλοῦντο, ἀλλὰ τούτο μὲν πρὸ τοῦ τὴν δίκην ληχθῆναι, ἤνικ'

<sup>a</sup> If Ctesias were illegitimate, Conon could not be held responsible for his misdoings, and previous mistreatment by the plaintiff is alleged as justification of the assault made upon the latter by Ctesias.

the influence of drink or anger or any other cause are undertaking to act lawlessly, are themselves to urge them on, there is no hope of safety for one who falls in with lawless rascals ; he may be sure that he will be maltreated until they grow weary ; as was the case with me.

I wish now to tell you what they sought to do at 26 the arbitration ; for from this you will perceive their utter insolence. They spun out the time till past midnight, refusing to read the depositions or to put in copies ; leading to the altar one at a time our witnesses who were present and putting them on oath ; writing depositions which had nothing to do with the case (for instance " that Ctesias was the son of Conon by a mistress, and that he had been treated thus and so " <sup>a</sup>)—a course of action, men of the jury, which I assure you by the gods roused resentment and disgust in the mind of every one present ; and finally they were disgusted at themselves. Be 27 that as it may, when they had had their fill and were tired of acting thus, they put in a challenge with a view to gaining time and preventing the boxes from being sealed, offering to deliver up certain slaves, whose names they wrote down, to be examined as to the assault. And I fancy that their defence will hinge chiefly upon this point. I think, however, that you should all note one thing—that if these men tendered the challenge in order that the inquiry by the torture should take place, and had confidence in this method of proof, they would not have tendered it when the award was now just being announced, when night had fallen and no further pretext was left them ; no, 28 before the action had been brought, while I was lying

## DEMOSTHENES

ἀσθενῶν ἐγὼ κατεκείμην, καὶ οὐκ εἰδὼς εἰ περι-  
 φεύξομαι, πρὸς ἅπαντας τοὺς εἰσιόντας τοῦτον  
 ἀπέβαινον τὸν πρῶτον πατάξαντα καὶ τὰ πλείσθ  
 ὦν ὑβρίσμην διαπεπραγμένον, τότε ἂν εὐθέως ἦκεν  
 ἔχων μάρτυρας πολλοὺς ἐπὶ τὴν οἰκίαν, τότε ἂν  
 [1266] τοὺς οἰκέτας παρεδίδου καὶ τῶν ἐξ Ἀρείου πάγου  
 τινὰς παρεκάλει· εἰ γὰρ ἀπέθανον, παρ' ἐκείνοις  
 29 ἂν ἦν ἡ δίκη. εἰ δ' ἄρ' ἠγνόησε ταῦτα, καὶ τοῦτο  
 τὸ δίκαιον ἔχων, ὡς νῦν φήσει, μὴ παρεσκευάσατ'  
 ὑπὲρ τηλικούτου κινδύνου, ἐπειδὴ γ' ἀνεστηκὼς  
 ἤδη προσεκαλεσάμην αὐτόν, ἐν τῇ πρώτῃ συνόδῳ  
 πρὸς τῷ διαιτητῇ παραδιδούς ἐφαίνεται ἂν· ὦν  
 οὐδὲν πέπρακται τούτῳ.

Ὅτι δ' ἀληθῆ λέγω καὶ διακρούσεως ἔνεχ' ἡ  
 πρόκλησις ἦν, λέγε ταύτην τὴν μαρτυρίαν· ἔσται  
 γὰρ ἐκ ταύτης φανερόν.

### ΜΑΡΤΥΡΙΑ

30 Περὶ μὲν τοίνυν τῆς βασάνου ταῦτα μέμνησθε,  
 τὴν ὥραν ἠνίκα προῦκαλεῖτο, ὦν ἔνεκ' ἐκκρούων  
 ταῦτ' ἐποίει, τοὺς χρόνους τοὺς πρώτους, ἐν οἷς  
 οὐδαμοῦ τοῦτο βουληθεὶς τὸ δίκαιον αὐτῷ γενέσθαι  
 φαίνεται, οὐδὲ προκαλεσάμενος, οὐδ' ἀξιώσας.  
 ἐπειδὴ τοίνυν ταῦτα πάντ' ἠλέγχεθ', ἅπερ καὶ νῦν,  
 πρὸς τῷ διαιτητῇ, καὶ φανερώς ἐδείκνυτο πᾶσιν  
 31 ὦν ἔνοχος τοῖς ἐγκεκλημένοις, ἐμβάλλεται μαρ-  
 τυρίαν ψευδῆ, κάπιγράφεται μάρτυρας ἀνθρώπους

ill and not knowing whether I should recover, and was denouncing the defendant to all who came to see me as the one who dealt the first blow and was the perpetrator of most of the maltreatment I received,—it was then, I say, that he would have come to my house without delay, bringing with him a number of witnesses ; it was then that he would have offered to deliver up his slaves for the torture, and would have invited some members of the Areopagus to attend ; for if I had died, the case would have come before them. But if he was unaware of this situation, and <sup>29</sup> having this proof, as he will now say, made no preparation against so serious a danger, surely when I had left my sick bed and summoned him, he would at our first meeting before the arbitrator have shown himself ready to deliver up the slaves. But he did nothing of the kind.

To prove that I am speaking the truth, and that the challenge was tendered merely for the sake of gaining time, (*to the clerk*) read this deposition. It will be clear from this.

THE DEPOSITION

With regard to the examination by the torture, <sup>30</sup> then, bear these facts in mind : the time when the challenge was tendered, his evasive purpose in doing this, and the first occasions, in the course of which he showed that he did not wish this test to be accorded him, and neither proposed it nor demanded it. Since, however, he was convicted on all these points before the arbitrator, just as he is now, and proved manifestly guilty of all the charges against him, he puts <sup>31</sup> into the box a false deposition, and writes at the head of it as witnesses the names of people whom I think

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οὓς οὐδ' ὑμᾶς ἀγνοήσειν οἶομαι, ἐὰν ἀκούσητε, “ Διότιμος Διοτίμου Ἴκαριεύς, Ἀρχεβιάδης Δημοτέλους Ἀλαιεύς, Χαιρέτιμος Χαιριμένους Πιθεὺς μαρτυροῦσιν ἀπιέναι ἀπὸ δείπνου μετὰ Κόνωνος, καὶ προσελθεῖν ἐν ἀγορᾷ μαχομένοις Ἀρίστωνι καὶ τῷ νιεῖ τῷ Κόνωνος, καὶ μὴ πατάξαι Κόνωνα 32 Ἀρίστωνα,” ὡς ὑμᾶς εὐθέως πιστεύοντας, τὸ δ' ἀληθὲς οὐ λογιουμένους, ὅτι πρῶτον μὲν οὐδέποτε ἂν οὔθ' ὁ Λυσίστρατος οὔθ' ὁ Πασέας οὔθ' ὁ Νικήρατος οὔθ' ὁ Διόδωρος, οἳ διαρρήδην μεμαρτυρήκασιν ὄραν ὑπὸ Κόνωνος τυπτόμενόν με καὶ θοιμάτιον ἐκδύόμενον καὶ τᾶλλ' ὅσ' ἔπασχον ὑβριζόμενον, ἀγνώτες ὄντες κατὰ ταυτομάτου παρα-  
 [1267] γενόμενοι τῷ πράγματι τὰ ψευδῆ μαρτυρεῖν ἠθέλησαν, εἰ μὴ ταῦθ' ἐώρων πεπονθότα· ἔπειτ' αὐτὸς ἔγωγ' οὐδέποτε ἂν, μὴ παθῶν ὑπὸ τούτου ταῦτα, ἀφείς τοὺς καὶ παρ' αὐτῶν τούτων ὁμολογουμένους τύπτειν ἐμέ, πρὸς τὸν οὐδ' ἀψάμενον 33 πρῶτον εἰσιέναι προειλόμην. τί γὰρ ἂν; ἀλλ' ὑφ' οὗ γε πρῶτου τ' ἐπλήγην καὶ μάλισθ' ὑβρίσθην, τούτῳ καὶ δικάζομαι καὶ μισῶ καὶ ἐπεξέρχομαι. καὶ τὰ μὲν παρ' ἐμοῦ πάνθ' οὕτως ἐστὶν ἀληθῆ καὶ φαίνεται· τούτῳ δὲ μὴ παρασχομένῳ τούτους μάρτυρας ἦν δῆπου λόγος οὐδεὶς, ἀλλ' ἠλωκέναι παραχρῆμ' ὑπήρχε σιωπῆ. συμπόται δ' ὄντες τούτου καὶ πολλῶν τοιούτων ἔργων κοινωνοί, εἰκότως τὰ ψευδῆ μεμαρτυρήκασιν. εἰ δ' ἔσται τὸ πρᾶγμα

<sup>a</sup> Icaria, a deme of the tribe Aegæis.

<sup>b</sup> For the two demes bearing this name, see note *a* on p. 336 of vol. ii.

<sup>c</sup> Pithus, a deme of the tribe Cecropis.



you will know well when you hear them—"Diotimus, son of Diotimus, of Icaria,<sup>a</sup> Archebiades, son of Demoteles, of Halae,<sup>b</sup> Chaeretimus, son of Chaerimenes, of Pithus,<sup>c</sup> depose that they were returning from a dinner with Conon, and came upon Ariston and the son of Conon fighting in the agora, and that Conon did not strike Ariston,"—as though you would believe <sup>32</sup> them off-hand, and would have no regard to the truth of the matter that, to begin with, Lysistratus and Paseas and Niceratus and Diodorus, who have expressly testified that they saw me being beaten by Conon, stripped of my cloak, and suffering all the other forms of brutal outrage I experienced—men, remember, who were unacquainted with me and who happened on the affair by chance—that these men, I say, would never in the world have consented to give testimony which they would have known to be false, if they had not seen the maltreatment which I received; and, secondly, that I myself, if I had not been thus treated by the defendant, should never have let off men who are admitted by my opponents themselves to have struck me, and have chosen to proceed first against the one who never laid a finger on me. Why should I? No; the man who was first to strike <sup>33</sup> me and from whom I suffered the greatest indignity, he it is whom I am suing, whom I abhor, and whom I am now prosecuting. My words, then, are all true and are proved to be so, whereas the defendant, if he had not brought forward these witnesses, had, I take it, not an argument to advance, but would have had silently to undergo an immediate conviction. But it stands to reason, that these men, who have been partners in his drinking bouts and have shared in many deeds of this sort, have given false testimony.

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τοιούτον, ἂν ἅπαξ ἀπαναισχυντήσωσιν τινες καὶ τὰ ψευδῆ φανερώς τολμήσωσιν μαρτυρεῖν, οὐδὲν δὲ τῆς ἀληθείας ὄφελος, πάνδεινον ἔσται πρᾶγμα.

- 34 Ἄλλὰ νῆ Δί' οὐκ εἰσὶ τοιοῦτοι. ἀλλ' ἴσασιν ὑμῶν, ὡς ἐγὼ νομίζω, πολλοὶ καὶ τὸν Διότιμον καὶ τὸν Ἀρχεβιάδην καὶ τὸν Χαιρέτιμον τὸν ἐπιπόλιον τουτονί, οἳ μεθ' ἡμέραν μὲν ἐσκυθρωπάκασι καὶ λακωνίζουσιν φασὶ καὶ τρίβωνας ἔχουσιν καὶ ἀπλᾶς ὑποδέδενται, ἐπειδὴν δὲ συλλεγῶσι καὶ μετ' ἀλλήλων γένωνται, κακῶν καὶ αἰσχροῶν οὐδὲν ἐλλεί-  
 35 πουςι. καὶ ταῦτα τὰ λαμπρὰ καὶ νεανικά ἐστιν αὐτῶν. "οὐ γὰρ ἡμεῖς μαρτυρήσομεν ἀλλήλοις; οὐ γὰρ ταῦθ' ἐταίρων ἐστὶ καὶ φίλων; τί δὲ καὶ δεινόν ἐστιν ὧν παρέξεται κατὰ σοῦ; τυπτόμενόν  
 [1268] φασὶ τινες ὄραν; ἡμεῖς δὲ μηδ' ἤφθαι τὸ παράπαν μαρτυρήσομεν. ἐκδεδύσθαι θοῖμάτιον; τοῦτ' ἐκείνους προτέρους πεποιηκέναι ἡμεῖς μαρτυρήσομεν. τὸ χεῖλος ἐρράφθαι; τὴν κεφαλὴν δέ γ' ἡμεῖς ἢ  
 36 ἕτερόν τι κατεαγέαι φήσομεν." ἀλλὰ καὶ μάρτυρας ἰατροὺς παρέχομαι. τοῦτ' οὐκ ἔστιν, ὧ ἄνδρες δικασταί, παρὰ τούτοις. ὅσα γὰρ μὴ δι' ἑαυτῶν, οὐδενὸς μάρτυρος καθ' ἡμῶν εὐπορήσουσιν. ἢ δ' ἀπ' αὐτῶν ἐτοιμότης οὐδ' ἂν εἰπεῖν μὰ τοὺς θεοὺς δυναίμην ὅση καὶ οἶα πρὸς τὸ ποιεῖν ὀτιοῦν ὑπάρχει.

Ἴνα δ' εἰδῆθ' οἶα καὶ διαπραττόμενοι περι-

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<sup>a</sup> Many men in Athens in the days of Plato and Demosthenes, as an indication of their contempt for democracy  
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## AGAINST CONON, 33-36

If matters are to come to this pass, if once certain people shall prove shameless enough to give manifestly false testimony, and there shall be no advantage in the truth, it will be a terrible state of things.

Ah but, they will say, they are not people of that 34 sort. I am inclined to think, however, that many of you know Diotimus and Archebiades and Chaeretus, the grey-headed man yonder, men who by day put on sour looks and pretend to play the Spartan<sup>a</sup> and wear short cloaks and single-soled shoes, but when they get together and are by themselves leave no form of wickedness or indecency untried. And these are 35 their brilliant and vigorous pleas, "What! Are we not to give testimony for one another? Isn't that the way of comrades and friends? What is there that you really fear in the charges he will bring against you? Do some people say they saw him being beaten? We will testify that he wasn't even touched by you. That his cloak was stripped off? We will testify that they had done this first to you. That his lip has been sewn up? We will say that your head or something else has been broken." But I bring forward surgeons 36 also as witnesses. This, men of the jury, is not the case with them, but except what is deposed by themselves they will have not a single witness against me. But Heaven knows I could not tell you how great and how reckless a readiness you may expect on their part to perpetrate anything whatever.

Now that you may know what sort of things they and a protest against the decay of morals, sought to imitate the Spartan severity in dress and manners. Men such as those whom the writer is here depicting would not un-naturally seek by this means to build up a spurious reputation for austerity.

## DEMOSTHENES

έρχονται, λέγ' αὐτοῖς ταυτασὶ τὰς μαρτυρίας, σὺ δ' ἐπίλαβε τὸ ὕδωρ.

### ΜΑΡΤΥΡΙΑΙ

37 Τοίχους τοίνυν διορύττοντες καὶ παίοντες τοὺς ἀπαντῶντας, ἅρ' ἂν ὑμῖν ὀκνήσαι δοκοῦσιν ἐν γραμματειδίῳ τὰ ψευδῆ μαρτυρεῖν ἀλλήλοις οἱ κεκοινωνηκότες τοσαύτης καὶ τοιαύτης φιλαπεχθιμοσύνης καὶ πονηρίας καὶ ἀναιδεΐας καὶ ὕβρεως; πάντα γὰρ ταῦτ' ἔμοιγ' ἐν τοῖς ὑπὸ τούτων πραττομένοις ἐνεῖναι δοκεῖ. καίτοι καὶ τούτων ἕτερόστι πεπραγμένα τούτοις δεινότερα, ἀλλ' ἡμεῖς οὐχ οἰοί τε γενοίμεθ' ἂν πάντας ἐξευρεῖν τοὺς ἡδίκημένους.

38 Ὁ τοίνυν πάντων ἀναιδέστατον μέλλειν αὐτὸν ἀκούω ποιεῖν, βέλτιον νομίζω προειπεῖν ὑμῖν εἶναι. φασὶ γὰρ παραστησάμενον τοὺς παῖδας αὐτὸν κατὰ τούτων ὀμείσθαι, καὶ ἀράς τινὰς δεινὰς καὶ χαλεπὰς ἐπαράσσεσθαι καὶ τοιαύτας, οἷας ἀκηκοώς γέ τις θαυμάσας ἀπήγγελλεν ἡμῖν. ἔστι δ', ὧ ἄνδρες δικασταί, ἀνυπόστατα μὲν τὰ τοιαῦτα τολμήματα· οἱ γάρ, οἶμαι, βέλτιστοι καὶ ἥκιστ' ἂν αὐτοί τι  
 [1269] ψευδάμενοι, μάλισθ' ὑπὸ τῶν τοιούτων ἐξαπατῶνται· οὐ μὴν ἀλλὰ δεῖ πρὸς τὸν βίον καὶ τὸν  
 39 τρόπον βλέποντας πιστεύειν. τὴν δὲ τούτου πρὸς τὰ τοιαῦτ' ὀλιγωρίαν ἐγὼ πρὸς ὑμᾶς ἐρῶ· πέπυσμαι γὰρ ἐξ ἀνάγκης. ἀκούω γάρ, ὧ ἄνδρες δικασταί, Βάκχιόν τέ τινα, ὃς παρ' ὑμῖν ἀπέθανε, καὶ Ἀριστοκράτην τὸν τοὺς ὀφθαλμοὺς διεφθαρ-

do as they go about—(to the clerk) read them these depositions, and do you (to an attendant) check the flow of the water.

## THE DEPOSITIONS

Well then, if people break into houses and beat 37 those who come in their way, do you suppose they would scruple to swear falsely on a scrap of paper in the interest of one another—these men who are partners in such great and such reckless malignity and villainy and impudence and outrage? For I certainly think that all these terms fit the deeds they are in the habit of doing. And yet there are other deeds of theirs more dreadful even than these, though I should be unable to find out all who have suffered from them.

The thing, however, which is the most impudent of 38 all that he is going to do, as I hear, I think it better to warn you of in advance. For they say that he will bring his children, and, placing them by his side, will swear by them, imprecating some dread and awful curses of such a nature that a person who heard them and reported them to me was amazed. Now, men of the jury, there is no way of withstanding such audacity; for, I take it, the most honourable men and those who would be the last to tell a falsehood themselves, are most apt to be deceived by such people—not but that they ought to look at their lives and characters before believing them. The contempt, 39 however, which this fellow feels for all sacred things I must tell you about; for I have been forced to make inquiry. For I hear, then, men of the jury, that a certain Bacchius, who was condemned to death in your court, and Aristocrates, the man with the bad eyes, and

## DEMOSTHENES

μένον καὶ τοιούτους ἑτέρους καὶ Κόνωνα τουτονί,  
 ἑταίρους εἶναι μειράκι' ὄντας καὶ Τριβαλλοὺς  
 ἐπωνυμίαν ἔχειν· τούτους τὰ θ' Ἐκαταῖα κατ-  
 εσθίειν, καὶ τοὺς ὄρνεις τοὺς ἐκ τῶν χοίρων,<sup>1</sup> οἷς  
 καθαίρουσ' ὅταν εἰσιέναι μέλλωσι, συλλέγοντας  
 ἐκάστοτε συνδειπνεῖν ἀλλήλοις, καὶ ῥᾶον ὀμνύναι  
 40 κἀπιорκεῖν ἢ ὀτιοῦν. οὐ δὴ Κόνων ὁ τοιοῦτος  
 πιστός ἐστιν ὀμνύων· οὐδὲ πολλοῦ δεῖ· ἀλλ' ὁ μηδ'  
 εὖορκον μηδὲν ἂν ὀμόσας ὦν μὴ νομίζετε,<sup>2</sup> κατὰ δὲ  
 δὴ παίδων μηδ' ἂν μελλήσας, ἀλλὰ κἂν ὀτιοῦν  
 παθῶν πρότερον, εἰ δ' ἄρ' ἀναγκαῖον, ὀμνύων ὡς  
 νόμιμον, κατ' ἐξωλείας αὐτοῦ καὶ γένους καὶ  
 οἰκίας, ἀξιοπιστότερος τοῦ κατὰ τῶν παίδων  
 ὀμνύντος καὶ διὰ τοῦ πυρός. ἐγὼ τοίνυν ὁ δικαιο-  
 τερόν σου πιστευθεῖς ἂν κατὰ πάντ', ὦ Κόνων,  
 ἠθέλησ' ὀμόσαι ταυτί, οὐχ ὑπὲρ τοῦ μὴ δοῦναι  
 δίκην, ὦν ἠδίκηκα, ὀτιοῦν ποιῶν, ὥσπερ σύ, ἀλλ'

<sup>1</sup> καὶ τοὺς . . . χοίρων. The mss. have τὰς ὄρνεις τὰς ἐκ τῶν χοίρων. The emendation was made by Hemsterhuys.

<sup>2</sup> ὦν μὴ νομίζετε. These words are placed in the mss. after παίδων in the next line. The transposition was made by Dobree.

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<sup>a</sup> The Triballi were a wild Thracian people. Many parallels for the use of the name to denote a club of lawless youths at Athens might be cited. Sandys refers to the Mohock club of eighteenth century London.

<sup>b</sup> The witch-goddess worshipped at cross roads. Portions of victims which had served for purification were set out for her. To take and eat this food might connote extreme poverty, but suggested also an utter disregard for sacred things.

certain others of the same stamp, and with them this man Conon, were intimates when they were youths, and bore the nickname Triballi<sup>a</sup>; and that these men used to devour the food set out for Hecatê<sup>b</sup> and to gather up on each occasion for their dinner with one another the testicles of the pigs which are offered for purification when the assembly convenes,<sup>c</sup> and that they thought less of swearing and perjuring themselves than of anything else in the world. Surely 40 Conon, a man of that sort, is not to be believed on oath; far from it indeed. No; the man who would not swear by any object which your custom does not recognize even an oath which he intended to observe, and would not even think of doing so by the lives of his children, but would suffer anything rather than that; and who, if forced to swear, will take only a customary oath, imprecating destruction upon himself, his race, and his house, is more to be believed than one who swears by his children or is ready to pass through fire.<sup>d</sup> I, then, who on every account am more worthy to be believed than you, Conon, offered to take the oath here cited,<sup>e</sup> not that through readiness to do anything whatsoever I might avoid paying the penalty for crimes which I had committed, as is the case with you, but in the interest of truth, and in

<sup>c</sup> Young pigs were sacrificed in a ceremonial purification of the place of meeting before the people entered the ἐκκλησία (the popular assembly).

<sup>d</sup> The speaker is plainly contrasting his own caution in taking an oath with the recklessness shown by the defendant, but the difficulty of the passage is only partially removed by the transposition mentioned in the critical note. As to the concluding phrase, it is doubtful if an ordeal by fire is alluded to, although suggestive parallels are found in Sophocles, *Antigonê* 264 and Aristophanes, *Lysistrata* 133.

<sup>e</sup> Cited, that is, in the following challenge.

## DEMOSTHENES

ὑπὲρ τῆς ἀληθείας καὶ ὑπὲρ τοῦ μὴ προσυβρισθῆ-  
ναι, ὡς οὐ κατεπιорκησόμενος τὸ πρᾶγμα.

Λέγε τὴν πρόκλησιν.

### ΠΡΟΚΛΗΣΙΣ

- 41 Ταῦτ' ἐγὼ καὶ τότε ἠθέλησα ὁμοῖαι, καὶ νῦν  
ὀμνύω τοὺς θεοὺς καὶ τὰς θεὰς ἅπαντας καὶ  
ἀπάσας ὑμῶν εἶνεκ', ὧ ἄνδρες δικασταί, καὶ τῶν  
[1270] περιεστηκότων, ἣ μὴν παθῶν ὑπὸ Κόνωνος ταῦθ'  
ὧν δικάζομαι, καὶ λαβὼν πληγὰς, καὶ τὸ χεῖλος  
διακοπεῖς οὕτως ὥστε καὶ ραφῆναι, καὶ ὑβρισθεῖς  
τὴν δίκην διώκειν. καὶ εἰ μὲν εὐορκῶ, πολλά μοι  
γένοιτο κάγαθὰ καὶ μηδέποτ' αὐθις τοιοῦτο μηδὲν  
πάθοιμι, εἰ δ' ἐπιορκῶ, ἐξώλης ἀπολοίμην αὐτὸς  
καὶ εἴ τί μοι ἔστιν ἢ μέλλει ἔσεσθαι. ἀλλ' οὐκ  
42 ἐπιορκῶ, οὐδ' ἂν Κόνων διαρραγῆ. ἄξιον τοίνυν  
ὑμᾶς, ὧ ἄνδρες δικασταί, πάνθ' ὅσ' ἐστὶ δίκαι'  
ἐπιδείξαντος ἐμοῦ καὶ πίστιν προσθέντος ὑμῖν,  
ὥσπερ ἂν αὐτὸς ἕκαστος παθῶν τὸν πεποιηκότ'  
ἐμίσει, οὕτως ὑπὲρ ἐμοῦ πρὸς Κόνωνα τουτονὶ τὴν  
ὀργὴν ἔχειν, καὶ μὴ νομίζειν ἴδιον τῶν τοιούτων  
μηδέν, ὃ κἂν ἄλλω τυχὸν συμβαίῃ, ἀλλ' ἐφ' ὅτου  
ποτ' ἂν συμβῆ, βοηθεῖν καὶ τὰ δίκαι' ἀποδιδόναι,  
καὶ μισεῖν τοὺς πρὸ μὲν τῶν ἀμαρτημάτων θρασεῖς  
καὶ προπετεῖς, ἐν δὲ τῷ δίκην ὑπέχειν ἀναισχύντους  
καὶ πονηροὺς, καὶ μήτε δόξης μήτ' ἔθους μήτ'  
ἄλλου μηδενὸς φροντίζοντας πρὸς τὸ μὴ δοῦναι  
43 δίκην. ἀλλὰ δεήσειται Κόνων καὶ κλαήσει. σκοπεῖ-



## AGAINST CONON, 40-43

order that I might not be subjected to further outrage, and as one who will not allow his case to be lost through your perjury.

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

### THE CHALLENGE

This oath I was at that time ready to take, and now, 41  
to convince you and those who stand gathered about,  
I swear by all the gods and goddesses that I have in  
very truth suffered at the hands of Conon this wrong  
for which I am suing him ; that I was beaten by him,  
and that my lip was cut open so that it had to be  
sewn up, and that it is because of gross maltreatment  
that I am prosecuting him. If I swear truly, may  
many blessings be mine, and may I never again suffer  
such an outrage ; but, if I am forsworn, may I  
perish utterly, I and all I possess or ever may possess.  
But I am not forsworn ; no, not though Conon  
should say so till he bursts. Therefore, men of the 42  
jury, since I have shown you all the just arguments  
which I have to present, and have furthermore added  
an oath, it is but right that you should feel toward  
Conon on my behalf the same resentment which each  
one of you, had he been the victim, would have felt  
toward the one who did the wrong, and not to regard  
an act of this sort as a private matter which might fall  
to the lot of any man. No ; whoever may be the  
victim, bear him aid and give him the redress that is  
his due, and loathe those who in the face of their  
crimes are bold and reckless, but when they are  
brought to trial are impudent villains, caring nothing  
for reputation or character or anything else, provided  
only they can escape punishment. Of course Conon 43  
will entreat you and wail aloud. But consider, which

## DEMOSTHENES

τε δὴ πότερός ἐστιν ἐλεινότερος, ὁ πεπονθὼς οἷ' ἐγὼ πέπονθ' ὑπὸ τούτου, εἰ προσυβρισθεὶς ἄπειμι καὶ δίκης μὴ τυχών, ἢ Κόνων, εἰ δώσει δίκην; πότερον δ' ὑμῶν ἐκάστω συμφέρει, ἐξεῖναι τύπτειν καὶ ὑβρίζειν ἢ μῆ; ἐγὼ μὲν οἶμαι μῆ. οὐκοῦν, ἂν μὲν ἀφιῆτ', ἔσονται πολλοί, εἰ δὲ κολάζητ', ἐλάττους.

44 Πόλλ' ἂν εἰπεῖν ἔχοιμ', ὧ ἄνδρες δικασταί, καὶ ὡς ἡμεῖς χρήσιμοι, καὶ αὐτοὶ καὶ ὁ πατήρ, ἕως ἔζη, καὶ τριηραρχοῦντες καὶ στρατευόμενοι καὶ τὸ  
 [1271] προσταττόμενον ποιοῦντες, καὶ ὡς οὐδὲν οὔθ' οὔτος οὔτε τῶν τούτου οὐδεὶς· ἀλλ' οὔτε τὸ ὕδωρ ἰκανόν, οὔτε νῦν περὶ τούτων ὁ λόγος ἐστίν. εἰ γὰρ δὴ ὁμολογουμένως ἔτι τούτων καὶ ἀχρηστοτέροις καὶ πονηροτέροις ἡμῖν εἶναι συνέβαινεν, οὐ τυπτητέοι, οὐδ' ὑβριστέοι δήπουθέν ἐσμεν.

Οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· οἶμαι γὰρ ὑμᾶς οὐδὲν ἀγνοεῖν τῶν εἰρημένων.

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<sup>a</sup> Compare the concluding paragraph in Orations XXXVI and XXXVIII.

## AGAINST CONON, 43-44

of us is more deserving of pity, a man who has suffered such treatment as I have at the hands of the defendant, if I am to go forth having met with the further disgrace of losing my suit, or Conon, if he is to be punished? Is it to the advantage of each one of you that a man be permitted to indulge in battery and outrage, or that he be not permitted? I certainly think he should not be. Well then, if you let him off, there will be many such; if you punish him, fewer.

I might have much to say, men of the jury, about <sup>44</sup> the services we have rendered you, I, and my father while he lived, both as trierarchs and in the army, and in performing whatever duty was laid upon us, and I could show that neither the defendant nor any of his sons have rendered any service; but the allowance of water is not sufficient nor is it at this time a question of such services. For, if it were indeed our lot to be by common consent regarded as more useless and more base than Conon, we are not, I suppose, to be beaten or maltreated.

I do not know what reason there is why I should say more; for I believe that nothing which I have said has escaped you.<sup>a</sup>



AGAINST CALLICLES

## INTRODUCTION

THE defendant in this case, who delivers the following speech, is quite unknown to us, save that he gives his father's name as Teisias. He has been sued by a certain Callicles on account of damage done to the latter's farm by flood waters. The two men owned in a hilly district farms separated from one another merely by a public road, and the plaintiff claims that the overflow of water on his land had been due to the fact that the defendant in building a wall along the road on his own property line had dammed up a watercourse.

The defendant in answer declares that the road itself was the natural bed of the stream, and hence that he had stopped no watercourse ; further, that the wall in question had been built years before by his father ; that neither at that time nor at any time during the fifteen remaining years of his father's life had any protest been made by the plaintiff or his father before him, or by any of the neighbours ; that the land walled in was certainly not a watercourse, but was planted with vines and fruit-trees, and contained also a family burial-ground. He shows further that the plaintiff had protected his own land by a similar wall—actually encroaching on the road by so doing—and that by this act he had raised the level of the road and thus increased the flood hazard. More-

## AGAINST CALLICLES

over he declares that the damage actually done to the plaintiff's property was so slight as to be quite negligible, and characterizes the suit and previous actions brought against him by the plaintiff and his relatives as malicious attempts to drive him out and get possession of his land.

It should be noted that dry watercourses were often used as roads in Ancient Greece and that the custom has survived into our own day.

On this speech—generally accepted as a genuine work of Demosthenes—consult Schaefer, iii. pp. 252 ff., and Blass, iii. pp. 253 ff.

LV

ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ ΠΕΡΙ ΧΩΡΙΟΥ  
ΒΛΑΒΗΣ

- [1272] Οὐκ ἦν ἄρ', ὦ ἄνδρες Ἀθηναῖοι, χαλεπώτερον οὐδέν, ἢ γείτονος πονηροῦ καὶ πλεονέκτου τυχεῖν, ὅπερ ἐμοὶ νυνὶ συμβέβηκεν. ἐπιθυμήσας γὰρ τῶν χωρίων μου Καλλικλῆς οὕτω διατέθηκέ με συκοφαντῶν, ὥστε πρῶτον μὲν τὸν ἀνεισιὸν τὸν ἑαυτοῦ
- <sup>2</sup> κατεσκεύασεν ἀμφισβητεῖν μοι τῶν χωρίων, ἐξελεγχθεῖς δὲ φανερώς καὶ περιγενομένου μου τῆς τούτων σκευωρίας, πάλιν δύο δίκας ἐρήμους μου κατεδιητήσατο, τὴν μὲν αὐτὸς χιλίων δραχμῶν, τὴν δὲ τὸν ἀδελφὸν τουτονὶ πείσας Καλλικράτην. δέομαι δὴ πάντων ὑμῶν ἀκοῦσαί μου καὶ προσέχειν τὸν νοῦν, οὐχ ὡς αὐτὸς δυνησόμενος εἰπεῖν, ἀλλ' ἵν' ὑμεῖς ἐξ αὐτῶν τῶν πραγμάτων καταμάθητε, ὅτι φανερώς συκοφαντοῦμαι.
- <sup>3</sup> Ἐν μὲν οὖν, ὦ ἄνδρες Ἀθηναῖοι, πρὸς ἅπαντας τοὺς τούτων λόγους παρέχομαι δίκαιον. τὸ γὰρ χωρίον τοῦτο περιωκοδόμησεν ὁ πατὴρ μικροῦ δεῖν πρὶν ἐμὲ γενέσθαι, ζῶντος μὲν ἔτι Καλλιππίδου τοῦ τούτων πατρὸς καὶ γειννιωῦτος, ὃς ἀκριβέ-



## LV

### THE SON OF TEISIAS AGAINST CAL- LICLES, REGARDING DAMAGE TO A PIECE OF PROPERTY

THERE is after all, men of Athens, nothing more vexatious than to have a neighbour who is base and covetous ; the very thing which has fallen to my lot. For Callicles, having set his heart on my land, has pestered me with malicious and baseless litigation : in the first place he suborned his cousin to claim my property, but the claim was proved manifestly false, 2 and I got the better of that intrigue ; then, again, he secured two awards against me for default, one in an action brought in his own name for one thousand drachmae, and another in an action which he persuaded his brother Callicrates, who is here in court, to bring. I beg you all to listen to me, and to give me your attention, not because I am going to show myself an able speaker, but in order that you may learn from the facts themselves, that I am manifestly the victim of a malicious and baseless suit.

A single plea, men of Athens, I bring before you to 3 answer all the arguments of these men, a just one. My father built the wall around this land almost before I was born, while Callippides, the father of these men was still living, and was my father's neighbour (and of

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στερον ἦδει δήπου τούτων, ὄντος δὲ Καλλικλέους  
 4 ἀνδρὸς ἦδη καὶ ἐπιδημοῦντος Ἀθήνησιν. καὶ  
 πλέον μὲν ἢ πεντεκαίδεκ' ἔτη τοῦ πατρὸς ἐπι-  
 βιώντος, οὐκ ἐλάττω δὲ τοῦ τούτων πατρός, ἐν  
 τούτοις τοῖς ἔτεσιν ἅπασιν οὔτ' ἐγκαλῶν οὔδεις  
 πώποτ' ἦλθεν οὔτε μεμφόμενος (καίτοι δῆλον ὅτι  
 [1273] καὶ τόθ' ὕδατα πολλάκις ἐγένετο), οὐδ' ἐκώλυσε  
 ἐξ ἀρχῆς, εἴπερ ἠδίκηει τινὰ περιοικοδομῶν ὁ πατήρ  
 τὸ χωρίον, ἀλλ' οὐδ' ἀπηγόρευσε οὐδὲ διεμαρ-  
 5 τύρατο. καίτοι, ὦ Καλλίκλεις, ἐξῆν δήπου τόθ'  
 ὑμῖν, ὀρώσιν ἀποικοδομουμένην τὴν χαράδραν,  
 ἐλθοῦσιν εὐθὺς ἀγανακτεῖν καὶ λέγειν πρὸς τὸν  
 πατέρα "Τεισία, τί ταῦτα ποιεῖς; ἀποικοδομεῖς  
 τὴν χαράδραν; εἴτ' ἐμπεσεῖται τὸ ὕδωρ εἰς τὸ  
 χωρίον τὸ ἡμέτερον," ἵν' εἰ μὲν ἐβούλετο παύσα-  
 σθαι, μηδὲν ἡμῖν ἦν δυσχερὲς πρὸς ἀλλήλους, εἰ  
 δ' ὀλιγόρησε καὶ συνέβη τι τοιοῦτον, μάρτυσιν  
 6 εἶχες τοῖς τότε παραγενομένοις χρήσασθαι. καὶ  
 νῆ Δί' ἐπιδείξαι γέ σ' ἔδει πᾶσιν ἀνθρώποις χαρά-  
 δραν οὔσαν, ἵνα μὴ λόγῳ μόνον, ὥσπερ νῦν, ἀλλ'  
 ἔργῳ τὸν πατέρ' ἀδικοῦντ' ἀπέφαινες. τούτων  
 τοίνυν οὐδὲν πώποτ' οὔδεις ποιεῖν ἠξίωσεν. οὐ  
 γὰρ ἂν οὔτ' ἐρήμην, ὥσπερ ἐμοῦ νυνί, κατεδιητή-  
 σασθε, οὔτε πλέον ἂν ἦν ὑμῖν συκοφαντοῦσιν  
 7 οὐδέν, ἀλλ' εἰ ἠνέγκατε τότε μάρτυρα καὶ ἐπεμαρ-  
 τύρασθε, νῦν ἀπέφαινε ἂν ἐκεῖνος εἰδὼς ἀκριβῶς  
 ὅπως εἶχεν ἕκαστα τούτων, καὶ τοὺς ῥαδίως τού-  
 168

## AGAINST CALLICLES, 3-7

course he knew the facts better than these men do), and when, moreover, Callicles was already a grown man, and was living at Athens ; and my father lived 4 on more than fifteen years longer, and their father as many. In all these years no one ever came to object or make complaint (and yet of course it often rained then, just as it does now) ; no one made any opposition at the start, as he would have done, if my father by walling in his land had caused injury to anyone ; nor did anyone forbid him, or protest against his action. And yet, Callicles, when you saw that the 5 watercourse was being dammed, you people might, I suppose, have gone at once to my father and complained angrily, and said to him, " Teisias, what is this that you are doing ? Are you damming the watercourse ? Why, then the water will burst through on to our land." In that case, if he had seen fit to desist, you and I would be having no quarrel with one another ; or, if he paid no heed, and any such mischief resulted, you would have been able to avail yourself of those who were present as witnesses. And, by 6 heaven, you ought to have satisfied all men that there was a watercourse, that you might have shown, not by your mere statement, as is the case now, but on a basis of fact, that my father was guilty of wrongdoing. Yet no one of these men ever thought of doing any such thing. For, had you done this, you would not have got an award for default against me, as you now have, nor would you have gained anything by your malicious charges ; for if you had at that 7 time brought a witness and appealed to his testimony, he would now have proved from his own knowledge precisely how the several matters stood, and would have refuted these men who are so glib with their

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τους μαρτυροῦντας ἐξήλεγχεν. ἀνθρώπου δ', οἶμαι, τηλικούτου καὶ ἀπείρου πραγμάτων ἅπαντες καταπεφρονήκατέ μου. ἀλλ' ἐγὼ πρὸς ἅπαντας τούτους, ὦ ἄνδρες Ἀθηναῖοι, τὰς αὐτῶν πράξεις ἰσχυροτάτας μαρτυρίας παρέχομαι. διὰ τί γὰρ οὔδεις οὔτ' ἐπεμαρτύρατ' οὔτ' ἐνεκάλεσεν, ἀλλ' οὐδ' ἐμέμψατο πώποτε, ἀλλ' ἐξήρκει ταῦτ' αὐτοῖς ἡδίκημένοις περιορᾶν;

- [1274] Ἐγὼ τοίνυν ἱκανὰ μὲν ἡγοῦμαι καὶ ταῦτ' εἶναι πρὸς τὴν τούτων ἀναίδειαν· ἵνα δ' εἰδῆτ', ὦ ἄνδρες Ἀθηναῖοι, καὶ περὶ τῶν ἄλλων, ὡς οὔθ' ὁ πατήρ οὐδὲν ἡδίκηει περιοικοδομῶν τὸ χωρίον οὔτοί τε κατεψευσμένοι πάντ' εἰσὶν ἡμῶν, ἔτι σαφέστερον ὑμᾶς πειράσομαι διδάσκειν. τὸ μὲν γὰρ χωρίον ὁμολογεῖται καὶ παρ' αὐτῶν τούτων ἡμέτερον ἴδιον
- 9 εἶναι· τούτου δ' ὑπάρχοντος, ὦ ἄνδρες Ἀθηναῖοι, μάλιστα μὲν ἤδειτ' ἂν ἰδόντες τὸ χωρίον ὅτι συκοφαντοῦμαι. διὸ καὶ τοῖς εἰδόσιν ἐπιτρέπειν ἐβουλόμην ἐγὼ, τοῖς ἴσοις. ἀλλ' οὐχ οὔτοι, καθάπερ νυνὶ λέγειν ἐπιχειροῦσι· δῆλον δ' ὑμῖν καὶ τοῦτ' αὐτίκ' ἔσται πᾶσιν. ἀλλὰ προσέχετ', ὦ ἄνδρες Ἀθηναῖοι, πρὸς Διὸς καὶ θεῶν τὸν νοῦν.
- 10 τοῦ γὰρ χωρίου τοῦ τ' ἐμοῦ καὶ τοῦ τούτων τὸ μέσον ὁδός ἐστιν, ὄρους δὲ περιέχοντος κύκλῳ τοῖς χωρίοις, τὸ καταρρέον ὕδωρ τῇ μὲν εἰς τὴν ὁδόν, τῇ δ' εἰς τὰ χωρία συμβαίνει φέρεσθαι. καὶ δὴ καὶ τοῦτο τὸ εἰσπίπτον εἰς τὴν ὁδόν, ἧ μὲν ἂν εὐδοῆ, φέρεται κάτω κατὰ τὴν ὁδόν, ἧ δ' ἂν ἐνσθῆτι, τηνικαῦτα τοῦτ' εἰς τὰ χωρί' ὑπεραίρειν ἀναγα-
- 11 καῖον ἤδη. καὶ δὴ καὶ κατὰ τοῦτο τὸ χωρίον, ὦ ἄνδρες δικασταί, γενομένης ἐπομβρίας συνέβη τὸ ὕδωρ ἐμβαλεῖν· ἀμεληθὲν δ' οὔπω τοῦ πατρὸς

## AGAINST CALLICLES, 7-11

testimony. But, I fancy, you have all come to despise one so young as I am, and so inexperienced in affairs. But, men of Athens, I adduce their own acts as the strongest evidence against them all; for how is it that not one of them ever protested, or lodged a complaint, or even uttered a word of censure, but they were content to submit to this injury?

Well, I think that what I have said is by itself a sufficient answer to their shameless claims; but that you may be assured, men of Athens, on other grounds as well that my father committed no wrong in walling in the land, and that these men have uttered nothing but falsehoods, I shall try to explain to you even more clearly. That the land is our private property is admitted by these men themselves, and this being the case, men of Athens, if you could see the place, you would know at once that their suit is groundless. For this reason I wanted to refer the case to impartial persons who know the locality, but these men refused, although they now try to maintain that they wished it. This, too, will be made clear to you all in a moment; but give close heed, men of Athens, I beg you in the name of Zeus and the gods! For the space between my property and theirs is a road, and as a hilly country encircles them, unluckily for the farms, the water that flows down runs, as it happens, partly into the road, and partly on to the farms. And in particular, that which pours into the road, whenever it has free course, flows down along the road, but when there is any stoppage, then it of necessity overflows upon the farms. Now this particular piece of land, as it happened, was inundated after a heavy down-pour had occurred. As a result of neglect, when my

## DEMOSTHENES

ἔχοντος αὐτό, ἀλλ' ἀνθρώπου δυσχεραίνοντος ὅλως τοῖς τόποις καὶ μᾶλλον ἀστικοῦ, δις καὶ τρίς ἐμβαλὼν τὸ ὕδωρ τὰ τε χωρὶ' ἐλυμήνατο καὶ μᾶλλον ὠδοποιεῖ. διὸ δὴ ταῦθ' ὁ πατὴρ ὀρών, ὡς ἐγὼ τῶν εἰδότεων ἀκούω, καὶ τῶν γειτόνων ἐπινεμόντων ἅμα καὶ βαδιζόντων διὰ τοῦ χωρίου, τὴν  
 12 αἵμασιαν περιωκοδόμησε ταύτην. καὶ ὡς ταῦτ'  
 [1275] ἀληθῆ λέγω, παρέξομαι μὲν καὶ μάρτυρας ὑμῖν τοὺς εἰδότας, πολὺ δ', ὧ ἄνδρες Ἀθηναῖοι, τῶν μαρτύρων ἰσχυρότερα τεκμήρια. Καλλικλῆς μὲν γάρ φησι τὴν χαράδραν ἀποικοδομήσαντα βλάπτειν μ' αὐτόν· ἐγὼ δ' ἀποδείξω χωρίον ὄν τοῦτ', ἀλλ'  
 13 οὐ χαράδραν. εἰ μὲν οὖν μὴ συνεχωρεῖθ' ἡμέτερον ἴδιον εἶναι, τάχ' ἂν τοῦτ' ἡδικοῦμεν, εἴ τι τῶν δημοσίων ὠκοδομοῦμεν· νῦν δ' οὔτε τοῦτ' ἀμφισβητοῦσιν, ἔστι τ' ἐν τῷ χωρίῳ δένδρα πεφυτευμένα, ἄμπελοι καὶ συκαῖ. καίτοι τίς ἂν ἐν χαράδρᾳ ταῦτα φυτεύειν ἀξιώσειεν; οὐδεὶς γε. τίς δὲ πάλιν τοὺς αὐτοῦ προγόνους θάπτειν; οὐδὲ τοῦτ',  
 14 οἶμαι. ταῦτα τοίνυν ἀμφότερ', ὧ ἄνδρες δικασταί, συμβέβηκεν· καὶ γὰρ τὰ δένδρα πεφύτευται πρότερον ἢ τὸν πατέρα περιωκοδομήσαι τὴν αἵμασιαν, καὶ τὰ μνήματα παλαιὰ καὶ πρὶν ἡμᾶς κτήσασθαι τὸ χωρίον γεγεννημέν' ἐστίν. καίτοι τούτων ὑπαρχόντων τίς ἂν ἔτι λόγος ἰσχυρότερος, ὧ ἄνδρες Ἀθηναῖοι, γένοιτο; τὰ γὰρ ἔργα φανερώς ἐξέλεγχαι.  
 Καί μοι λαβὲ πάσας νυνὶ τὰς μαρτυρίας, καὶ λέγε.

### ΜΑΡΤΥΡΙΑΙ

15 Ἀκούετ', ὧ ἄνδρες Ἀθηναῖοι, τῶν μαρτυριῶν.  
 172

## AGAINST CALLICLES, 11-15

father was not yet in possession of the land, but a man held it who utterly disliked the neighbourhood, and preferred to live in the city, the water overflowed two or three times, wrought damage to the land, and was more and more making itself a path. For this reason my father, when he saw it (so I am informed by those acquainted with the circumstances), inasmuch as the neighbours also began to encroach upon the property and walk across it, built around it this enclosing wall. To prove that I am speaking the 12 truth in this, I shall bring before you as witnesses those who know the facts, and circumstantial evidence, men of Athens, far stronger than any testimony. Callicles says that I am doing him an injury by having walled off the watercourse ; but I shall show that this is private land and no watercourse. If it were 13 not admitted to be our private property, we should perhaps be guilty of this wrongdoing, if we had fenced off a piece of public land ; but as it is, they do not dispute this, and on the land there are trees planted, vines and figs. Yet who would think of planting these in a watercourse ? Nobody, surely. Again, who would think of burying his own ancestors there ? No one, I think, would do this either. Well, both 14 these things have been done. For not only were the trees planted before my father built the wall, but the tombs are old, and were built before we acquired the property. Yet, since this is the case, what stronger argument could there be, men of Athens ? The facts afford manifest proof.

(*To the clerk.*) Now please take all these depositions, and read them.

### THE DEPOSITIONS

Men of Athens, you hear the depositions. Do they 15

## DEMOSTHENES

ἄρ' ὑμῖν δοκοῦσι διαρρήδην μαρτυρεῖν, καὶ χωρίον εἶναι δένδρων μεστὸν καὶ μνήματ' ἔχειν τινὰ καὶ τᾶλλ' ἄπερ καὶ τοῖς πλείστοις χωρίοις συμβέβηκεν, καὶ πάλιν ὅτι περιωκοδομήθη τὸ χωρίον ζῶντος μὲν ἔτι τοῦ τούτων πατρός, οὐκ ἀμφισβητούντων δ' οὔτε τούτων οὔτ' ἄλλου τῶν γειτόνων οὐδενός;

- 16 "Αξιον δ', ὧ ἄνδρες δικασταί, καὶ περὶ τῶν  
 [1276] ἄλλων ὧν εἴρηκε Καλλικλῆς ἀκούσαι. καὶ σκέψασθε πρῶτον μὲν, εἴ τις ὑμῶν ἐόρακεν ἢ ἀκήκοε πώποτε παρ' ὁδὸν χαράδραν οὔσαν. οἶμαι γὰρ ἐν πάσῃ τῇ χώρᾳ μηδεμίαν εἶναι· τοῦ γὰρ ἕνεκ' ἄν, ὃ διὰ τῆς ὁδοῦ τῆς δημοσίας ἔμελλε βαδιεῖσθαι φερόμενον, τούτῳ διὰ τῶν ἰδίων χωρίων χαράδραν
- 17 ἐποίησέ τις; ἔπειτα τίς ἂν ὑμῶν εἴτ' ἐν ἀγρῶ νῆ Δί' εἴτ' ἐν ἄστει τὸ διὰ τῆς ὁδοῦ ρέον ὕδωρ εἰς τὸ χωρίον ἢ τὴν οἰκίαν δέξαιτ' ἄν; ἀλλ' οὐκ αὐτὸ τοῦναντίον, κἂν βιάσηταί ποτ', ἀποφράττειν ἅπαντες καὶ παροικοδομεῖν εἰώθαμεν; οὗτος τοίνυν ἀξιοῖ μ' ἐκ τῆς ὁδοῦ τὸ ὕδωρ εἰσδεξάμενον εἰς τὸ ἔμαυτοῦ χωρίον, ὅταν τὸ τούτου παραλλάξῃ χωρίον, πάλιν εἰς τὴν ὁδὸν ἐξαγαγεῖν. οὐκοῦν πάλιν ὁ μετὰ τοῦτόν μοι γεωργῶν τῶν γειτόνων ἐγκαλεῖ· τὸ γὰρ ὑπὲρ τούτου δίκαιον δῆλον ὅτι
- 18 κακείνοις ὑπάρξει πᾶσι λέγειν. ἀλλὰ μὴν εἴ γ' εἰς τὴν ὁδὸν ὀκνήσω τὸ ὕδωρ ἐξάγειν, ἢ που σφόδρα θαρρῶν εἰς τὸ τοῦ πλησίον χωρίον ἀφιεῖν ἄν. ὅπου γὰρ ἀτιμήτους φεύγω δίκας διότι τὸ ἐκ τῆς ὁδοῦ ρέον ὕδωρ εἰς τὸ τούτου χωρίον διέπεσε, τί πείσομαι πρὸς Διὸς ὑπὸ τῶν ἐκ τοῦ χωρίου τοῦμοῦ τοῦ ὕδατος εἰσπεσόντος βλαπτομένων; ὅπου



## AGAINST CALLICLES, 15-18

not appear to you to testify expressly that it is a place full of trees, and that it contains some tombs and other things which are to be found in most private pieces of land? Do they not prove also that the land was walled in during the lifetime of their father without opposition being made by these men or any other of the neighbours?

It is worth your while, men of the jury, to hear 16 some remarks also about the other statements made by Callicles. And first, consider whether any one of you has ever seen or heard of a watercourse existing by the side of a road. I think that in the whole country there is not a single one. For what could induce any man to make a channel through his private lands for water which would otherwise have gone rushing down a public road? And what one of you, 17 whether in the country or the city would allow water passing along the highway to flow into his farm or his house? On the contrary, when it forces its way in, is it not our habit to dam or wall it off? But the plaintiff demands of me that I let the water from the road flow into my land, and, when it has passed beyond his, turn it back again into the road. Well then, the neighbour who farms the land next to his will make complaint; for it is plain that they too will have the same right to protest that the plaintiff has. But surely, 18 if I am afraid to divert the water into the road, I should be a rash man indeed, if I were to turn it into my neighbour's land. For when I am being sued for a fixed penalty because the water flowing from the road spread over the plaintiff's land, what treatment in heaven's name must I expect to meet at the hands of those who suffer damage from the water overflowing from my own land? But if, once I have

## DEMOSTHENES

δὲ μήτ' εἰς τὴν ὁδὸν μήτ' εἰς τὰ χωρί' ἀφιέναι μοι  
 τὸ ὕδωρ ἐξέσται δεξαμένῳ, τί λοιπόν, ὦ ἄνδρες  
 δικασταί, πρὸς θεῶν; οὐ γὰρ ἐκπικνύν γε δήπου  
 19 με Καλλικλῆς αὐτὸ προσαναγκάσει. ταῦτα τοίνυν  
 ἐγὼ πάσχων ὑπὸ τούτων καὶ πόλλ' ἕτερα καὶ δεινά,  
 [1277] μὴ ὅτι δίκην λαβεῖν, ἀλλὰ μὴ προσοφλεῖν ἀγαπή-  
 σαιμ' ἄν. εἰ μὲν γὰρ ἦν, ὦ ἄνδρες δικασταί,  
 χαράδρα πάλιν ὑποδεχομένη, τάχ' ἂν ἠδίκουν ἐγὼ  
 μὴ δεχόμενος, ὥσπερ ἂν' ἕτερ' ἅττα τῶν χωρίων  
 εἰσὶν ὁμολογούμεναι χαράδραι· καὶ ταύταις δέ-  
 χονται μὲν οἱ πρῶτοι, καθάπερ τοὺς ἐκ τῶν οἰκιῶν  
 χειμάρρους, παρὰ τούτων δ' ἕτεροι παραλαμβάνου-  
 νουσιν ὡσαύτως· ταύτῃ δ' οὔτε παραδίδωσιν οὐδεὶς  
 20 οὔτε παρ' ἐμοῦ παραλαμβάνει. πῶς ἂν οὖν εἶη  
 τοῦτο χαράδρα; τὸ δ' εἰσπεσὸν ὕδωρ ἔβλαψε μὲν,  
 οἶμαι, πολλάκις ἤδη πολλοὺς μὴ φυλαξαμένους,  
 ἔβλαψε δὲ καὶ νῦν τοῦτον. ὁ καὶ πάντων ἐστὶ  
 δεινότατος, εἰ Καλλικλῆς μὲν εἰς τὸ χωρίον εἰσ-  
 πεσόντος τοῦ ὕδατος ἀμαξιαίου λίθους προσ-  
 κομίσας ἀποικοδομεί, τοῦ δὲ πατρός, ὅτι τοῦτο  
 παθόντος τοῦ χωρίου περιωκοδόμησεν, ὡς ἀδι-  
 κοῦντος ἐμοὶ βλάβης εἴληχε δίκην. καίτοι εἰ ὅσοι  
 κακῶς πεπόνθασιν ὑπὸ τῶν ὑδάτων τῶν ταύτῃ  
 ρεόντων ἐμοὶ λήξονται δίκας, οὐδὲ πολλαπλάσια  
 21 γενόμενα τὰ ὄντ' ἐξαρκέσειεν ἄν μοι. τοσοῦτον  
 τοίνυν διαφέρουσιν οὔτοι τῶν ἄλλων, ὥστε πε-  
 πονθότες μὲν οὐδέν, ὡς αὐτίχ' ὑμῖν ἐγὼ σαφῶς  
 ἐπιδείξω, πολλῶν δὲ πολλὰ καὶ μεγάλα βεβλαμ-

## AGAINST CALLICLES, 18-21

got the water on my property, I am not to be allowed to drain it off either into the road or on to private land, men of the jury, what course in the name of the gods remains for me? I take it, Callicles will not force me to drink it all up! Well 19 then, after suffering these annoyances at their hands and many other grievous ones as well, I must be content, not indeed to win my suit, but to escape paying a further penalty! If, men of the jury, there had been a watercourse below me to receive the water, I should perhaps have been wrong in not letting it in on my land, just as on certain other farms there are recognized watercourses in which the first landowners let the water flow (as they do the gutter-drains from the houses), and others again receive it from them in like manner. But on the land in question no one gives the water over to me or receives it from me. How, then, can it be a watercourse? An overflow of 20 water has ere now, I imagine, often done damage to many who have not guarded against it, just as it has in this case to the plaintiff. But this is the thing that is most outrageous of all, that Callicles, when the water overflows on his land, brings up huge stones and walls it off, but has brought suit for damages against me on the ground that my father was guilty of wrongdoing, because when the same thing happened to his land, he built an enclosing wall. And yet, if all those who have suffered loss because water has flooded their lands in this region are to bring suit against me, my fortune, even if multiplied many times, would not meet the costs. But these men are so different from 21 the others, that, although they have suffered no damage, as I shall presently make clear to you, while many others have suffered damage in many grievous

## DEMOSTHENES

μένων, μόνοι δικάζεσθαι τετολμήκασιν οὔτοί μοι. καίτοι πᾶσι μᾶλλον ἐνεχώρει τοῦτο πράττειν. οὔτοι μὲν γάρ, εἰ καὶ τι πεπόνθασιν, αὐτοὶ δὲ αὐτούς βεβλαμμένοι συκοφαντοῦσιν· ἐκεῖνοι δ', εἰ καὶ μηδὲν ἄλλο, τοιαύτην γ' οὐδεμίαν αἰτίαν ἔχουσιν.

Ἄλλ' ἵνα μὴ πάνθ' ἅμα συνταράξας λέγω, λαβέ μοι τὰς τῶν γειτόνων μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 22 Οὐκοῦν δεινόν, ὦ ἄνδρες δικασταί, τούτους μὲν μηδὲν ἐγκαλεῖν μοι τοσαῦτα βεβλαμμένους, μηδ' [1278] ἄλλον μηδένα τῶν ἡτυχηκότων, ἀλλὰ τὴν τύχην στέργειν, τουτουὶ δὲ συκοφαντεῖν; ὃν ὅτι μὲν αὐτὸς ἐξημάρτηκε, πρῶτον μὲν τὴν ὁδὸν στενοτέραν ποιήσας, ἐξαγαγὼν ἔξω τὴν αἵμασιάν, ἵνα τὰ δένδρα τῆς ὁδοῦ ποιήσειεν εἴσω, ἔπειτα δὲ τὸν χλῆδον ἐκβαλὼν εἰς τὴν ὁδόν, ἐξ ὧν ὑψηλοτέραν τὴν αὐτὴν καὶ στενοτέραν πεποιῆσθαι συμβέβηκεν,
- 23 ἐκ τῶν μαρτυριῶν αὐτίκ' εἴσεσθε σαφέστερον· ὅτι δ' οὐδὲν ἀπολωλεκῶς οὐδὲ καταβεβλαμμένος ἄξιον λόγου τηλικαύτην μοι δίκην εἴληχε, τοῦθ' ὑμᾶς ἤδη πειράσομαι διδάσκειν. τῆς γὰρ μητρὸς τῆς ἐμῆς χρωμένης τῇ τούτων μητρὶ πρὶν τούτους ἐπιχειρῆσαί με συκοφαντεῖν, καὶ πρὸς ἀλλήλας ἀφικνουμένων, οἷον εἰκὸς ἅμα μὲν ἀμφοτέρων οἰκουσῶν ἐν ἀγρῶ καὶ γειτνιωσῶν, ἅμα δὲ τῶν
- 24 ἀνδρῶν χρωμένων ἀλλήλοις ἕως ἔξω, ἐλθούσης

## AGAINST CALLICLES, 21-24

ways, they alone have had the effrontery to sue me. Yet anyone else would have had better reason to do this than they have ; for even if they have suffered damage, it has been through their own fault, though they bring a malicious suit against me ; whereas the others, not to speak of anything else, are open to no such imputation.

But that I may not speak confusedly of all matters at once, (*to the clerk*) take, please, the depositions of the neighbours.

### THE DEPOSITIONS

Is it not, then, an outrageous thing, men of the 22 jury, that, while these people have made no complaint against me, although they suffered such heavy damages, nor has anyone else of those who suffered misfortune, but they have accepted their lot, this man should bring a malicious suit? But that he is himself at fault, first in that he made the road narrower by extending his wall beyond the property line, in order to enclose the trees of the road, and, secondly, in that he threw the rubbish into it, from which actions it resulted that he made the road higher as well as narrower—of this you will presently gain clearer knowledge from the depositions. But I shall 23 now endeavour to show you that he has brought a suit for such heavy damages against me without having suffered any loss or damage worthy of mention. Before they undertook this malicious action against me, my mother and theirs were intimate friends and used to visit one another, as was natural, since both lived in the country and were neighbours, and since, furthermore, their husbands had been friends while they lived. Well, my mother went to see 24

## DEMOSTHENES

- δὲ τῆς ἐμῆς μητρὸς ὡς τὴν τούτων καὶ ἀποδυρο-  
 μένης ἐκείνης τὰ συμβάντα καὶ δεικνυούσης, οὕτως  
 ἐπυθόμεθα πάνθ' ἡμεῖς, ὦ ἄνδρες δικασταί· καὶ  
 λέγω μὲν ἄπερ ἤκουσα τῆς μητρὸς, οὕτω μοι πολλὰ  
 κάγαθὰ γένοιτο, εἰ δὲ ψεύδομαι, τάναντία τούτων·  
 ἢ μὴν ὄραν καὶ τῆς τούτων μητρὸς ἀκούειν ἔφη,  
 κριθῶν μὲν βρεχθῆναι, καὶ ξηρανομένους ἰδεῖν  
 αὐτήν, μηδὲ τρεῖς μεδίμνους, ἀλεύρων δ' ὡς  
 ἡμιμέδιμνον· ἐλαίου δ' ἀποκλιθῆναι μὲν κεράμιον  
 25 φάσκειν, οὐ μέντοι παθεῖν γ' οὐδέν. τοσαῦτ', ὦ  
 ἄνδρες δικασταί, τὰ συμβάντ' ἦν τούτοις, ἀνθ' ὧν  
 ἐγὼ χιλίων δραχμῶν δίκην ἀτίμητον φεύγω. οὐ  
 γὰρ δὴ τειχίον γ' εἰ παλαιὸν ἐπωκοδόμησεν, ἐμοὶ  
 [1279] καὶ τοῦτο λογιστέον ἐστίν, ὃ μήτ' ἔπεσε μήτ' ἄλλο  
 δεινὸν μηδὲν ἔπαθεν. ὥστ' εἰ συνεχώρουσαν αὐτοῖς  
 ἀπάντων αἴτιος εἶναι τῶν συμβεβηκότων, τά γε  
 26 βρεχθέντα ταῦτ' ἦν. ὅποτε δὲ μήτ' ἐξ ἀρχῆς ὁ  
 πατήρ ἠδίκηκε τὸ χωρίον περιοικοδομῶν, μήθ' οὗτοι  
 πώποτ' ἐνεκάλεσαν τοσούτου χρόνου διελθόντος,  
 οἳ τ' ἄλλοι πολλὰ καὶ δεινὰ πεπονθότες μηδὲν  
 μᾶλλον ἐγκαλοῦσιν ἐμοί, πάντες θ' ὑμεῖς τὸ ἐκ τῶν  
 οἰκιῶν καὶ τὸ ἐκ τῶν χωρίων ὕδωρ εἰς τὴν ὁδὸν  
 ἐξάγειν εἰώθατε, ἀλλ' οὐ μὰ Δί' εἴσω τὸ ἐκ τῆς  
 ὁδοῦ δέχεσθαι, τί δεῖ πλείω λέγειν; οὐδὲ γὰρ ἐκ  
 τούτων ἄδηλον ὅτι φανερώς συκοφαντοῦμαι, οὐτ'  
 ἀδικῶν οὐδὲν οὔτε βεβλαμμένων ἄ φασιν.  
 27 "Ἰνα δ' εἰδῆθ' ὅτι καὶ τὸν χλῆδον εἰς τὴν ὁδὸν  
 ἐκβεβλήκασι, καὶ τὴν αἵμασιαν προαγαγόντες  
 στενοτέραν τὴν ὁδὸν πεποιήκασιν, ἔτι δ' ὡς ὄρκον

\* The medimnus was a standard measure of grain, containing approximately a bushel and a half.

theirs, and the latter told her with weeping what had happened, and showed her the effects; this, men of the jury, is the way in which I learned all the facts. And I am telling you just what I heard from my mother;—as I speak the truth, so may many blessings be mine; if I am lying, may the opposite befall me. She averred that she saw, and heard from their mother, that some of the barley got wet (she saw them drying it), but not so much as three medimni,<sup>a</sup> and about half a medimnus of wheat flour; also, she said, a jar of olive oil had tilted over, but had not been damaged. So trivial, men of the jury, was the 25  
 loss that befell them, yet for this I am made defendant in a suit with damages fixed at a thousand drachmae! If he repaired an old wall, this surely ought not to be charged against me,—a wall moreover which neither fell down nor suffered any damage. So, if I were to concede that I was to blame for everything that occurred, the things that got wet were these. But since in the beginning my father was within his 26  
 rights in enclosing the land and these people never made any complaint during the lapse of so long a time, and the others who were severely damaged make no complaint any more than they; and since it is the custom of all of you to drain the water from your houses and lands into the road, and not, heaven knows, to let it flow in from the road, what need is there to say more? These facts of themselves make it clear that the suit against me is a baseless and malicious one, since I am guilty of no wrong, and they have not suffered the damage they allege.

However, to prove to you that they have thrown 27  
 the rubbish into the road, and by advancing the wall have made the road narrower; and furthermore that

## DEMOSTHENES

ἐδίδουν ἐγὼ τῇ τούτων μητρί, καὶ τὴν ἔμαντοῦ τὸν αὐτὸν ὁμόσαι προῦκαλούμην, λαβέ μοι τὰς τε μαρτυρίας καὶ τὴν πρόκλησιν.

### ΜΑΡΤΥΡΙΑΙ. ΠΡΟΚΛΗΣΙΣ

- 28 Εἶτα τούτων ἀναισχυντότεροι γένοιντ' ἂν ἄνθρωποι, ἢ περιφανέστερον συκοφαντοῦντες, οἵτινες αὐτοὶ τὴν αἵμασιαν προαγαγόντες καὶ τὴν ὁδὸν ἀνακεχωκότες ἑτέροις βλάβης δικάζονται, καὶ ταῦτα χιλίων δραχμῶν ἀτίμητον, οἳ γ' οὐδὲ πεντήκοντα δραχμῶν τὸ παράπαν ἅπαντ' ἀπολωλέκασι; καίτοι σκοπεῖτ', ὦ ἄνδρες δικασταί, πόσους ὑπὸ τῶν ὑδάτων ἐν τοῖς ἀγροῖς βεβλάβηται συμβέβηκε, τὰ μὲν Ἐλευσίῃ, τὰ δ' ἐν τοῖς ἄλλοις τόποις. ἀλλ' οὐ δήπου τούτων, ὦ γῆ καὶ θεοί, παρὰ τῶν γειτόνων ἕκαστος ἀξιώσει τὰς βλάβας κομίζεσθαι.
- 29 καὶ ἐγὼ μὲν, ὃν προσῆκεν ἀγανακτεῖν τῆς ὁδοῦ στενοτέρας γεγενημένης καὶ μετεωροτέρας, ἡσυχίαν ἔχω· τούτοις δὲ τοσοῦτον περίεστιν ὡς ἔοικεν, [1280] ὥστε τοὺς ἠδίκημένους πρὸς συκοφαντοῦσιν. καίτοι, ὦ Καλλίκλεις, εἰ καὶ ὑμῖν περιοικοδομεῖν ἔξεστι τὸ ὑμέτερον αὐτῶν χωρίον, καὶ ἡμῖν δήπου τὸ ἡμέτερον ἐξῆν. εἰ δ' ὁ πατήρ ὁ ἐμὸς ἠδίκηε περιοικοδομῶν ὑμᾶς, καὶ νῦν ὑμεῖς μ' ἀδικεῖτε
- 30 περιοικοδομοῦντες οὕτως· δῆλον γὰρ ὅτι μεγάλοις λίθοις ἀποικοδομηθέντος πάλιν τὸ ὕδωρ εἰς τὸ ἐμὸν ἤξει χωρίον, εἴθ' ὅταν τύχη καταβαλεῖ τὴν αἵμασιαν ἀπροσδοκῆτως. ἀλλ' οὐδὲν μᾶλλον ἐγκαλῶ τούτοις ἐγὼ διὰ τοῦτο, ἀλλὰ στέρξω τὴν τύχην καὶ τὰμαντοῦ φυλάττειν πειράσομαι. καὶ

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\* Eleusis, a town in Attica, famed as a central point in 182



## AGAINST CALLICLES, 27-30

I tendered an oath to their mother, and challenged them to have my mother swear in the same terms, (*to the clerk*) take, please, the depositions and the challenge.

### THE DEPOSITIONS. THE CHALLENGE

Could there, then, be people more shameless than 28 these, or more plainly malicious pettifoggers—men who, after advancing their own wall and raising the level of the road, are suing others for damages, and that too for a fixed sum of a thousand drachmae, when they have themselves lost fifty at most? And yet consider, men of the jury, how many people in the farm-lands have suffered from floods in Eleusis <sup>a</sup> and in other places. But, good heavens, I take it each one of these is not going to claim the right to recover damages from his neighbours. And I, who 29 might well be angry at their having made the road narrower and raised its level, keep quiet, while these men have such superabundance of audacity, it seems, that they even bring malicious suits against those whom they have injured! But surely, Callicles, if you have the right to enclose your land, we too had the right to enclose ours. And if my father wronged you by enclosing his, you are now wronging me by thus enclosing yours. For it is evident that, since you 30 have built your obstructing wall with large stones, the water will flow back upon my land, and when it so chances, may with an unlooked-for rush throw down my wall. However, I do not on this account claim damages from these men, but I shall submit to the misfortune, and shall try to protect my own the worship of Demeter, and the scene of the celebration of the great mysteries.

## DEMOSTHENES

γὰρ τοῦτον φράττοντα μὲν τὰ ἑαυτοῦ σωφρονεῖν ἡγοῦμαι, δικαζόμενον δέ μοι πονηρότατόν τ' εἶναι καὶ διεφθαρμένον ὑπὸ νόσου νομίζω.

- 31 Μὴ θαυμάζετε δ', ὦ ἄνδρες δικασταί, τὴν τούτου προθυμίαν, μηδ' εἰ τὰ ψευδῆ κατηγορεῖν νῦν τετόλμηκεν. καὶ γὰρ καὶ πρότερον πείσας τὸν ἀνεψιὸν ἀμφισβητεῖν μοι τοῦ χωρίου, συνθήκας οὐ γενομένας ἀπήνεγκε, καὶ νῦν αὐτὸς ἐρήμην καταδεδιήθηται τοιαύτην ἑτέραν δίκην, Κάλλαρὸν ἐπιγραφάμενος τῶν ἐμῶν δούλων. πρὸς γὰρ τοῖς ἄλλοις κακοῖς καὶ τοῦθ' εὖρηται σόφισμα. Καλ-
- 32 λάρῳ τὴν αὐτὴν δίκην δικάζονται. καίτοι τίς ἂν οἰκέτης τὸ τοῦ δεσπότητος χωρίον περιοικοδομήσειε μὴ προστάξαντος τοῦ δεσπότητος; Καλλάρῳ δ' ἕτερον ἐγκαλεῖν οὐδὲν ἔχοντες, ὑπὲρ ὧν ὁ πατὴρ πλέον ἢ πεντεκαίδεκ' ἔτη φράξας ἐπεβίω δικάζονται. κἂν μὲν ἐγὼ τῶν χωρίων ἀποστῶ τούτοις ἀποδόμενος ἢ πρὸς ἕτερα χωρία ἀλλαξάμενος,
- [1281] οὐδὲν ἀδικεῖ Κάλλαρὸς· ἂν δ' ἐγὼ μὴ βούλωμαι τὰμαυτοῦ τούτοις προέσθαι, πάντα τὰ δεινόταθ' ὑπὸ Καλλάρου πάσχουσιν οὗτοι, καὶ ζητοῦσι καὶ δαιτητὴν ὅστις αὐτοῖς τὰ χωρία προσκαταγνώσεται, καὶ διαλύσεις τοιαύτας ἐξ ὧν τὰ χωρί' ἔξουσιν.
- 33 Εἰ μὲν, οὖν, ὦ ἄνδρες δικασταί, τοὺς ἐπιβουλεύοντας καὶ συκοφαντοῦντας δεῖ πλέον ἔχειν, οὐδὲν ἂν ὄφελος εἶη τῶν εἰρημένων· εἰ δ' ὑμεῖς τοὺς μὲν τοιούτους μισεῖτε, τὰ δὲ δίκαια ψηφίζεσθε, μήτ' ἀπολωλεκότος Καλλικλέους μηδὲν μήτ' ἡδικη-

## AGAINST CALLICLES, 30-33

property. For I think the plaintiff is acting wisely in walling in his land, but when he brings suit against me, I hold that he is the basest of men and that some ailment has impaired his wits.

Do not be surprised, men of the jury, at the eagerness of the plaintiff, or even at his having dared to bring a false charge against me now. For in a previous instance also, when he induced his cousin to lay claim to my land, he produced an agreement which had never been made. And now he has obtained an award against me for default in a similar suit, entering in the indictment the name of Callarus, one of my slaves. For in addition to their other pieces of rascality they have devised this scheme as well—they bring this same suit against Callarus. And yet what slave would wall in his master's land without orders from his master? But having no other charge to bring against Callarus, they lodge suit against him regarding the wall which my father built more than fifteen years before his death. And if I give up my property, either by selling it to these men or by exchanging it for other land, Callarus is guilty of no wrong, but if I do not choose to give it up to them, then they are being wronged by Callarus in all manner of grievous ways, and they look out for an arbitrator who will adjudge the property to them, or for some sort of compromise by which they will get possession of it!

Now, men of the jury, if those who lay plots against others and bring baseless suits are to have the best of it, all that I have said would prove of no avail; but if you abominate people of that sort, and vote as justice demands, then, as Callicles has suffered no loss and has in no way been wronged

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μένου μήθ' ὑπὸ Καλλάρου μήθ' ὑπὸ τοῦ πατρός,  
οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν.

- 34 Ἴνα δ' εἰδῆθ' ὅτι καὶ πρότερον ἐπιβουλεύων μου τοῖς χωρίοις τὸν ἀνεψιὸν κατεσκεύασε, καὶ νῦν ἑτέραν αὐτὸς κατεδιητήσατο Καλλάρου τοιαύτην δίκην, ἐπηρεάζων ἐμοὶ διότι τὸν ἄνθρωπον περὶ πολλοῦ ποιοῦμαι, καὶ Καλλάρῳ πάλιν εἴληχεν ἑτέραν, ἀπάντων ὑμῖν ἀναγνώσεται τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

- 35 Μὴ οὖν πρὸς Διὸς καὶ θεῶν, ὧ ἄνδρες δικασταί, προῆσθέ με τούτοις μηδὲν ἀδικοῦντα. οὐ γὰρ τῆς ζημίας τοσοῦτόν τί μοι μέλει, χαλεπὸν ὄν πᾶσι τοῖς μικρὰν οὐσίαν ἔχουσιν· ἀλλ' ἐκβάλλουσιν ὅλως ἐκ τοῦ δήμου μ' ἐλαύνοντες καὶ συκοφαντοῦντες. ὅτι δ' οὐκ ἀδικοῦμεν οὐδέν, ἔτοιμοι μὲν ἦμεν ἐπιτρέπειν τοῖς εἰδόσιν, τοῖς ἴσοις καὶ κοινοῖς, ἔτοιμοι δ' ὀμνῦναι τὸν νόμιμον ὄρκον· ταῦτα γὰρ ὡόμεθ' ἰσχυρότατ' ἂν παρασχέσθαι τοῖς αὐτοῖς ὑμῖν ὀμωμοκόσιν.

Καί μοι λαβὲ τήν τε πρόκλησιν καὶ τὰς ὑπολοίπους ἔτι μαρτυρίας.

### ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑΙ.

## AGAINST CALLICLES, 33-35

either by Callarus or by my father, I do not see what need there is of my saying more.

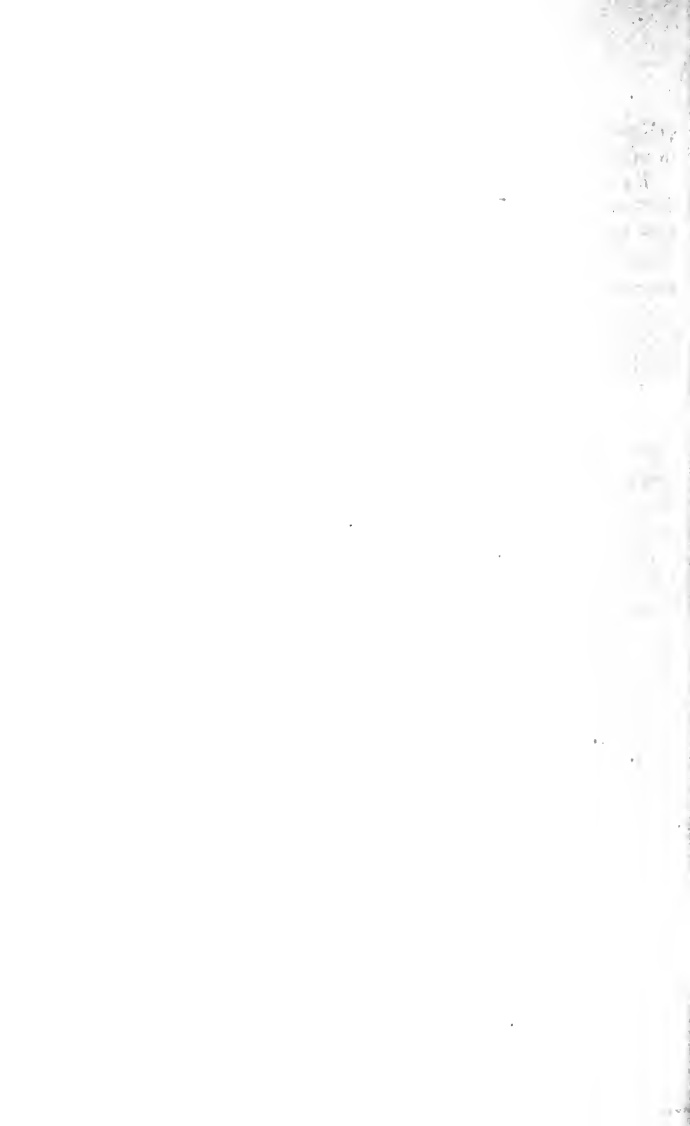
To prove to you, however, that previously in his 34 designs upon my property he got the help of his cousin, and that he has in his own person obtained an award against Callarus in another such suit—looking upon me with despite because I value the man highly,—and that he has again brought another suit against Callarus,—to prove all these things the clerk shall read you the depositions.

### THE DEPOSITIONS

Do not, then, men of the jury, I beg you in the 35 name of Zeus and the gods, leave me as the prey of these men, when I have done no wrong. I do not care so much about the penalty, hard as that is on persons of small means; but they are absolutely driving me out of the deme by their persecution and baseless charges. To prove that I have done no wrong, I was ready to submit the matter for settlement to fair and impartial men who knew the facts, and I was ready to swear the customary oath; for I thought that would be the strongest proof I could bring before you, who are yourselves upon oath.

(*To the clerk.*) Please take the challenge and the remaining depositions.

THE CHALLENGE. THE DEPOSITIONS.



AGAINST DIONYSODORUS





## INTRODUCTION

THIS speech was delivered by a certain Dareius (whose name is preserved only in the argument to this oration by Libanius, a sophist of the fourth century A.D.) in a suit to recover a bottomry loan of three thousand drachmae with interest, and an additional sum of three thousand drachmae for violation of contract, from two associates, Dionysodorus and Parmeniscus, who had contracted the loan.

The facts, at least as stated by the plaintiff, were the following: Dareius and Pamphilus had made the loan for a voyage to Egypt and a return voyage to Athens. Both principal and interest were to be paid on the ship's return to the Peiraeus, and the ship was given as security for the principal of the loan. If the ship should be lost the borrowers were to be free from all liability, but in the event of their failing to keep their contract they were to pay double the amount of the loan.

Parmeniscus sailed with the ship to Egypt, and there purchased a cargo of grain; but receiving word from Dionysodorus, who had remained in Athens, that the price of grain had fallen there owing to the arrival of ships from Sicily with large cargoes, he put into Rhodes on his return voyage, sold the grain there, and then continued for two years to ply a profitable trade between Rhodes and Egypt, but

## DEMOSTHENES

never returned to Peiraeus as the contract required him to do.

The creditors demanded settlement from Dionysodorus, but met with no satisfaction. Dionysodorus offered, to be sure, to pay the principal with interest calculated in proportion to the voyage actually completed, that is, as far as Rhodes instead of to the Peiraeus, stating that other creditors had acceded to this proposal, and claiming also that the ship had been too severely damaged to be in condition to complete the entire voyage. To this Dareius made the obvious reply that arrangements made with other creditors had no bearing on the contract entered into by the borrowers with Pamphilus and himself, and that the claim that the ship was damaged was patently false, since she had continued to make trips between Rhodes and Egypt. On the other hand, the borrowers had plainly broken their contract inasmuch as the ship had not been brought back to the Peiraeus, but had been used by them for their own ends.

Dareius proposed that the matter should be referred for arbitration to a group of men engaged in foreign trade, and when this proposal was refused, brought the present suit, which in most mss. is named as a suit for damages (*βλάβη*). By this we may understand that the breach of contract entailed loss for the plaintiff. On this point Sandys remarks, following Kennedy: "As the injury in this case was a wrong done *ex delicto*, and not merely a breach of obligation *ex contractu*, it (the oration) is entitled *κατὰ Διονυσιοδώρον* and not *πρὸς Διονυσόδωρον*."

Two facts call for comment. In the first place, no witnesses are summoned, and this unique feature of the speech has given rise to the view that it is not

## AGAINST DIONYSODORUS

a genuine plea in a court of law, but a composition by some later writer. However, as the contract was admitted by the defendant and it was not claimed that the ship had been brought back to the Peiraeus, it would seem that the plaintiff had no need of witnesses to support his demand for payment of the amount due. Again, the allusion to Cleomenes as a former governor of Egypt fixes the date of the speech as later than 323 B.C., the date of the execution of Cleomenes. As Demosthenes died in 322 B.C., it is hard to think of him as the writer of the speech. Yet at the end Dareius calls upon Demosthenes to come forward and speak in his behalf. This fact has been variously interpreted. The view of Blass is that the reading was originally  $\delta\epsilon\hat{\upsilon}\rho' \acute{o} \delta\epsilon\hat{\iota}\nu\alpha$  (compare Oration LVIII § 70) and that someone, after the speech had found a place in the Demosthenic collection, inserted the proper name.

The reader may consult Schaefer, iii. pp. 307 ff., and Blass, iii. pp. 582 ff.

## LVI

## ΚΑΤΑ ΔΙΟΝΥΣΟΔΩΡΟΥ

Κοινωνός εἰμι τοῦ δανείσματος τούτου, ὦ ἄνδρες δικασταί. συμβαίνει δ' ἡμῖν τοῖς τὴν κατὰ θά-  
 [1283] λατταν ἐργασίαν προηρημένοις καὶ τὰ ἡμέτερ' αὐτῶν ἐγχειρίζουσιν ἑτέροις, ἐκείνο μὲν σαφῶς εἰδέναι, ὅτι ὁ δανειζόμενος ἐν παντὶ προέχει ἡμῶν. λαβὼν γὰρ ἀργύριον φανερόν καὶ ὁμολογούμενον, ἐν γραμματειδίῳ δυοῖν χαλκοῖν ἔωνημένῳ καὶ βυβλιδίῳ μικρῷ πάνυ τὴν ὁμολογίαν καταλέλοιπε τοῦ ποιήσειν τὰ δίκαια. ἡμεῖς δ' οὐ φαμὲν δώσειν, ἀλλ' εὐθύς τῷ δανειζομένῳ δίδομεν τὸ ἀργύριον.  
 2 τῷ οὖν ποτὲ πιστεύοντες καὶ τί λαβόντες τὸ βέβαιον προἰέμεθα; ὑμῖν, ὦ ἄνδρες δικασταί, καὶ τοῖς νόμοις τοῖς ὑμετέροις, οἳ κελεύουσιν, ὅσα ἂν τις ἐκὼν ἕτερος ἑτέρῳ ὁμολογήσῃ, κύρια εἶναι. ἀλλὰ μοι δοκεῖ οὔτε τῶν νόμων οὔτε συγγραφῆς οὐδεμιᾶς ὄφελος εἶναι οὐδέν, ἂν ὁ λαμβάνων τὰ χρήματα μὴ πάνυ δίκαιος ἢ τὸν τρόπον, καὶ δυοῖν θάτερον, ἢ ὑμᾶς δεδιὼς ἢ τὸν συμβαλόντ' αἰσχυ-  
 3 νόμενος. ὧν οὐδέτερον πρόσεστι Διονυσοδώρῳ τουτῶι, ἀλλ' εἰς τοσοῦτον ἤκει τόλμης, ὥστε δα-  
 194

## LVI

### DAREIUS AGAINST DIONYSODORUS IN THE MATTER OF A LOAN

I AM a sharer in this loan, men of the jury. We, who have engaged in the business of overseas trade and put our money in the hands of others, have come to know one thing very clearly : that in all respects the borrower has the best of us. He received the money in cash which was duly acknowledged, and has left us on a scrap of paper<sup>a</sup> which he bought for a couple of coppers, his agreement to do the right thing. We on our part do not promise to give the money, we give it outright to the borrower. What,<sup>2</sup> then, do we rely upon, and what security do we get when we risk our money? We rely upon you, men of the jury, and upon your laws, which ordain that all agreements into which a man voluntarily enters with another shall be valid. But in my opinion there is no use in your laws or in any contract, if the one who receives the money is not thoroughly upright in character, and does not either fear *you*<sup>b</sup> or regard the rights of the one making the loan. Now Dionysodorus here does neither the one nor<sup>3</sup> the other, but has come to such a pitch of audacity,

<sup>a</sup> That is, of course, papyrus.

<sup>b</sup> That is, the jury in the law-courts.

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- νεισάμενος παρ' ἡμῶν ἐπὶ τῇ νηὶ τρισχιλίας δραχ-  
 μάς, ἐφ' ᾧ τε τὴν ναῦν καταπλεῖν Ἀθήναζε, καὶ  
 δέον ἡμᾶς ἐν τῇ πέρυσιν ὥρα κεκομίσθαι τὰ χρή-  
 ματα, τὴν μὲν ναῦν εἰς Ῥόδον κατεκόμισε καὶ τὸν  
 γόμον ἐκεῖσ' ἐξελόμενος ἀπέδοτο παρὰ τὴν συγ-  
 γραφὴν καὶ τοὺς νόμους τοὺς ὑμετέρους, ἐκ δὲ τῆς  
 Ῥόδου πάλιν ἀπέστειλε τὴν ναῦν εἰς Αἴγυπτον  
 κάκειθεν εἰς Ῥόδον, ἡμῖν δὲ τοῖς Ἀθήνησι δανεί-  
 σασιν οὐδέπω καὶ νῦν οὔτε τὰ χρήματ' ἀποδίδωσιν  
 4 οὔτε τὸ ἐνέχυρον καθίστησιν εἰς τὸ ἐμφανές, ἀλλὰ  
 δεύτερον ἔτος τουτὶ καρπούμενος τὰ ἡμέτερα, καὶ  
 ἔχων τό τε δάνειον καὶ τὴν ἐργασίαν καὶ τὴν ναῦν  
 τὴν ὑποκειμένην ἡμῖν, οὐδὲν ἤττον εἰσελήλυθε  
 [1284] πρὸς ὑμᾶς, δῆλον ὡς ζημιώσων ἡμᾶς τῇ ἐπωβελίᾳ  
 καὶ καταθησόμενος εἰς τὸ οἴκημα πρὸς τῷ ἀπο-  
 στερεῖν τὰ χρήματα. ὑμῶν οὖν, ᾧ ἄνδρες Ἀθη-  
 ναῖοι, ὁμοίως ἀπάντων δεόμεθα καὶ ἰκετεύομεν  
 βοηθῆσαι ἡμῖν, ἂν δοκῶμεν ἀδικεῖσθαι. τὴν δ'  
 ἀρχὴν τοῦ συμβολαίου διεξελθεῖν ὑμῖν πρῶτον  
 βούλομαι· οὕτω γὰρ καὶ ὑμεῖς ῥᾶστα παρακολου-  
 θήσετε.
- 5 Διονυσόδωρος γὰρ οὕτοσί, ᾧ ἄνδρες Ἀθηναῖοι,  
 καὶ ὁ κοινωνὸς αὐτοῦ Παρμενίσκος προσελθόντες  
 ἡμῖν πέρυσι τοῦ Μεταγειτνιῶνος μηνός, ἔλεγον ὅτι  
 βούλονται δανείσασθαι ἐπὶ τῇ νηί, ἐφ' ᾧ τε πλεῦσαι  
 εἰς Αἴγυπτον καὶ ἐξ Αἰγύπτου εἰς Ῥόδον ἢ εἰς  
 Ἀθήνας, διομολογησάμενοι τοὺς τόκους τοὺς εἰς  
 6 ἑκάτερον τῶν ἐμπορίων τούτων. ἀποκριναμένων

<sup>a</sup> Athenian dealers were allowed to ship grain only to Athens, not to foreign ports; cf. § 10 infra.

<sup>b</sup> For this fine, the ἐπωβελία, imposed upon the plaintiff,

## AGAINST DIONYSODORUS, 3-6

that although he borrowed from us three thousand drachmae upon his ship on the condition that it should sail back to Athens, and although we ought to have got back our money in the harvest-season of last year, he took his ship to Rhodes and there unladed his cargo and sold it in defiance of the contract and of your laws <sup>a</sup>; and from Rhodes again he despatched his ship to Egypt, and from thence back to Rhodes, and to us who lent our money at Athens he has up to this day neither paid back our money nor produced to us our security. Nay, for two years now he has been <sup>4</sup> using our money for his profit, keeping the loan and the trade and the ship that was mortgaged to us, and notwithstanding this he has come into your court, intending plainly to get us fined with the sixth part of the damages,<sup>b</sup> and to put us in prison,<sup>c</sup> besides robbing us of our money. We therefore, men of Athens, beg and implore you one and all to come to our aid, if you find that we are being wronged. But first I want to explain to you how the loan was contracted; for thus it will be easiest for you also to follow the case.

This Dionysodorus, men of Athens, and his partner <sup>5</sup> Parmeniscus came to us last year in the month Metageitnion,<sup>d</sup> and said that they desired to borrow money on their ship on the terms that she should sail to Egypt and from Egypt to Rhodes or Athens, and they agreed to pay the interest for the voyage to either one of these ports. We answered, men of <sup>6</sup>

he failed to obtain a fifth of the votes, see the note on p. 50 of vol. i.

<sup>c</sup> Properly the "lodging." The same euphemism occurs in Oration XXXII § 29.

<sup>d</sup> The month Metageitnion corresponds to the latter half of August and the prior half of September.

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δ' ἡμῶν, ὧ ἄνδρες δικασταί, ὅτι οὐκ ἂν δανείσαιμεν εἰς ἕτερον ἐμπόριον οὐδὲν ἄλλ' ἢ εἰς Ἀθήνας, οὕτω προσομολογοῦσι πλεύσεσθαι δεῦρο, καὶ ἐπὶ ταύταις ταῖς ὁμολογίαις δανείζονται παρ' ἡμῶν ἐπὶ τῇ νηὶ τρισχιλίας δραχμὰς ἀμφοτερόπλουν, καὶ συγγραφὴν ἐγράψανθ' ὑπὲρ τούτων. ἐν μὲν οὖν ταῖς συνθήκαις δανειστής ἐγράφη Πάμφιλος οὔτοσί· ἐγὼ δ' ἔξωθεν μετείχον αὐτῷ τοῦ δανείσματος.

Καὶ πρῶτον ὑμῖν ἀναγνώσεται αὐτὴν τὴν συγγραφὴν.

### ΣΥΓΓΡΑΦΗ

- 7 Κατὰ ταύτην τὴν συγγραφὴν, ὧ ἄνδρες δικασταί, λαβόντες παρ' ἡμῶν τὰ χρήματα Διονυσόδωρός θ' οὔτοσί καὶ ὁ κοινωνὸς αὐτοῦ Παρμενίσκος, ἀπέστελλον τὴν ναῦν εἰς τὴν Αἴγυπτον ἐνθένδε. καὶ [1285] ὁ μὲν Παρμενίσκος ἐπέπλει ἐπὶ τῆς νεώς, οὔτοσί δ' αὐτοῦ κατέμενε. ἦσαν γάρ, ὧ ἄνδρες δικασταί, ἵνα μηδὲ ταῦτ' ἀγνοῆτε, ὑπηρέται καὶ συνεργοὶ πάντες οὗτοι Κλεομένους τοῦ ἐν τῇ Αἰγύπτῳ ἄρξαντος, ὃς ἐξ οὗ τὴν ἀρχὴν ἔλαβεν οὐκ ὀλίγα κακὰ εἰργάσατο τὴν πόλιν τὴν ὑμετέραν, μᾶλλον δὲ καὶ τοὺς ἄλλους Ἕλληνας, παλιγκαπηλεύων καὶ συνιστὰς τὰς τιμὰς τοῦ σίτου καὶ αὐτὸς καὶ οὗτοι 8 μετ' αὐτοῦ. οἱ μὲν γὰρ αὐτῶν ἀπέστελλον ἐκ τῆς Αἰγύπτου τὰ χρήματα, οἱ δ' ἐπέπλεον ταῖς ἐμπορίαις, οἱ δ' ἐνθάδε μένοντες διετίθεντο τὰ ἀποστελλόμενα· εἶτα πρὸς τὰς καθεστηκυίας τιμὰς ἔπεμπον γράμματα οἱ ἐπιδημοῦντες τοῖς ἀποδημοῦσιν, ἵν' εἴαν μὲν παρ' ὑμῖν τίμιος ἦ ὁ σίτος, δεῦρο αὐτὸν κομίσωσιν, εἴαν δ' εὐωνότερος γένηται,



## AGAINST DIONYSODORUS, 6-8

the jury, that we would not lend money for a voyage to any other port than Athens, and so they agreed to return here, and with this understanding they borrowed from us three thousand drachmae on the security of their ship for the voyage out and home ; and they entered into a written agreement to these terms. In the contract Pamphilus here was named the lender ; but I, although not mentioned, was a sharer in the loan.

And first the clerk shall read to you the agreement.

### THE AGREEMENT

In accordance with this agreement, men of the 7 jury, Dionysodorus here and his partner Parmeniscus, when they had got the money from us, despatched their ship from Athens to Egypt. Parmeniscus sailed in charge of the ship ; Dionysodorus remained at Athens. All these men, I would have you know, men of the jury, were underlings and confederates of Cleomenes, the former ruler of Egypt,<sup>a</sup> who from the time he received the government did no small harm to your state, or rather to the rest of the Greeks as well, by buying up grain for resale and fixing its price, and in this he had these men as his confederates. Some of them would despatch the stuff from 8 Egypt, others would sail in charge of the shipments, while still others would remain here in Athens and dispose of the consignments. Then those who remained here would send letters to those abroad advising them of the prevailing prices, so that if grain were dear in your market, they might bring it

<sup>a</sup> After his conquest of Egypt in 331 B.C. Alexander had made Cleomenes collector of revenues for that province.

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- εἰς ἄλλο τι καταπλεύσωσιν ἐμπόριον. ὅθεν περ  
 οὐχ ἤκιστ', ὧ ἄνδρες δικασταί, συνετιμήθη τὰ περὶ  
 τὸν σίτον ἐκ τῶν τοιούτων ἐπιστολῶν καὶ συν-  
 9 ἐργιῶν. ὅτε μὲν οὖν ἐνθένδε ἀπέστελλον οὔτοι τὴν  
 ναῦν, ἐπεικῶς ἔντιμον κατέλιπον τὸν σίτον· διὸ καὶ  
 ὑπέμειναν ἐν τῇ συγγραφῇ γράψασθαι εἰς Ἀθήνας  
 πλεῖν, εἰς δ' ἄλλο μηδὲν ἐμπόριον. μετὰ δὲ ταῦτ',  
 ὧ ἄνδρες δικασταί, ἐπειδὴ ὁ Σικελικὸς κατάπλους  
 ἐγένετο καὶ αἱ τιμαὶ τοῦ σίτου ἐπ' ἔλαττον  
 ἐβάδιζον καὶ ἡ ναῦς ἢ τούτων ἀνήκτο εἰς Αἴγυπτον,  
 εὐθέως οὔτος ἀποστέλλει τιν' εἰς τὴν Ῥόδον ἀπ-  
 αγγελοῦντα τῷ Παρμενίσκῳ τῷ κοινωνῷ τὰνθένδε,  
 ἀκριβῶς εἰδῶς ὅτι ἀναγκαῖον εἶη τῇ νηὶ προσσχεῖν  
 10 εἰς Ῥόδον. πέρασ δ' οὖν, λαβὼν γὰρ ὁ Παρμενίσκος  
 ὁ τουτουὶ κοινωνὸς τὰ γράμματα τὰ παρὰ τούτου  
 ἀποσταλέντα, καὶ πυθόμενος τὰς τιμὰς τὰς ἐνθάδε  
 [1286] τοῦ σίτου καθεστηκυίας, ἐξαιρεῖται τὸν σίτον ἐν  
 τῇ Ῥόδῳ κακεῖ ἀποδίδοται, καταφρονήσαντες μὲν  
 τῆς συγγραφῆς, ὧ ἄνδρες δικασταί, καὶ τῶν ἐπι-  
 τιμιῶν, ἃ συνεγράψαντο αὐτοὶ οὔτοι καθ' αὐτῶν,  
 εἴαν τι παραβαίνωσι, καταφρονήσαντες δὲ τῶν  
 νόμων τῶν ὑμετέρων, οἳ κελεύουσι τοὺς ναυκλήρους  
 καὶ τοὺς ἐπιβάτας πλεῖν εἰς ὃ τι ἂν συνθῶνται ἐμ-  
 πόριον, εἰ δὲ μή, ταῖς μεγίσταις ζημίαις εἶναι ἐνόχους.  
 11 Καὶ ἡμεῖς ἐπειδὴ τάχιστα ἐπυθόμεθα τὸ γεγονός,  
 ἐκπεπληγμένοι τῷ πράγματι προσῆμεν τούτῳ τῷ  
 ἀρχιτέκτονι τῆς ὅλης ἐπιβουλής, ἀγανακτοῦντες,  
 οἷον εἰκός, καὶ ἐγκαλοῦντες, ὅτι διαρρήδην ἡμῶν  
 διορισαμένων ἐν ταῖς συνθήκαις, ὅπως ἡ ναῦς  
 μηδαμόσε καταπλεύσεται ἄλλ' ἢ εἰς Ἀθήνας, καὶ  
 ἐπὶ ταύταις ταῖς ὁμολογίαις δανεισάντων τὸ ἀρ-  
 γύριον, ἡμᾶς μὲν ἐν ὑποψία καταλέλοιπε τοῖς βου-  
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here, and if the price should fall, they might put in to some other port. This was the chief reason, men of the jury, why the price of grain advanced; it was due to such letters and conspiracies. Well then, 9 when these men despatched their ship from Athens, they left the price of grain here pretty high, and for this reason they submitted to have the clause written in the agreement binding them to sail to Athens and to no other port. Afterwards, however, men of the jury, when the ships from Sicily had arrived, and the prices of grain here were falling, and their ship had reached Egypt, the defendant straightway sent a man to Rhodes to inform his partner Parmeniscus of the state of things here, well knowing that his ship would be forced to touch at Rhodes. The out- 10 come was that Parmeniscus, the defendant's partner, when he had received the letter sent by him and had learned the price of grain prevailing here, discharged his cargo of grain at Rhodes and sold it there in defiance of the agreement, men of the jury, and of the penalties to which they had of their own will bound themselves, in case they should commit any breach of the agreement, and in contempt also of your laws which ordain that shipowners and supercargoes shall sail to the port to which they have agreed to sail or else be liable to the severest penalties.

We on our part, as soon as we learned what had 11 taken place, were greatly dismayed at his action, and went to this man, who was the prime mover in the whole plot, complaining angrily, as was natural, that although we had expressly stipulated in the agreement that the ship should sail to no other port than to Athens, and had lent our money on this condition, he had left us open to suspicion with people

λομένοις αἰτιᾶσθαι καὶ λέγειν, ὡς ἄρα καὶ ἡμεῖς κεκοινωνήκαμεν τῆς σιτηγίας τῆς εἰς τὴν Ῥόδον, αὐτοὶ δ' οὐδὲν μᾶλλον τὴν ναῦν ἤκουσι κατακομίζοντες εἰς τὸ ὑμέτερον ἐμπόριον εἰς ὃ συνεγράψαντο. ἐπειδὴ δ' οὐδὲν ἐπεραίνομεν ὑπὲρ τῆς συγγραφῆς καὶ τῶν δικαίων διαλεγόμενοι, ἀλλὰ τό γε δάνειον καὶ τοὺς τόκους ἤξιούμεν ἀπολαβεῖν τοὺς ἐξ ἀρχῆς ὁμολογηθέντας. οὗτος δ' οὕτως ὑβριστικῶς ἐχρήσατο ἡμῖν, ὥστε τοὺς μὲν τόκους τοὺς ἐν τῇ συγγραφῇ γεγραμμένους οὐκ ἔφη δώσειν· “εἰ δὲ βούλεσθ’,” ἔφη, “κομίζεσθαι τὸ πρὸς μέρος τοῦ πλοῦ τοῦ πεπλευσμένου, δώσω ὑμῖν,” φησί, “τοὺς εἰς Ῥόδον τόκους· πλείους δ' οὐκ ἂν δοίην,” αὐτὸς ἑαυτῷ νομοθετῶν καὶ οὐχὶ τοῖς ἐκ τῆς συγγραφῆς δικαίοις πειθόμενος.

13 [1287] Ὡς δ' ἡμεῖς οὐκ ἂν ἔφαμεν συγχωρῆσαι οὐδὲν τούτων, λογιζόμενοι ὅτι, ὅποτε τοῦτο πράξομεν, ὁμολογοῦμεν καὶ αὐτοὶ εἰς Ῥόδον σεσιτηγηκένοι, ἔτι μᾶλλον ἐπέτεινεν οὗτος καὶ μάρτυρας πολλοὺς παραλαβὼν προσήει, φάσκων ἔτοιμος εἶναι ἀποδιδόναι τὸ δάνειον καὶ τοὺς τόκους τοὺς εἰς Ῥόδον, οὐδὲν μᾶλλον, ὧ ἄνδρες δικασταί, ἀποδοῦναι διανοούμενος, ἀλλ' ἡμᾶς ὑπολαμβάνων οὐκ ἂν ἐθελῆσαι λαβεῖν τὸ ἀργύριον διὰ τὰς ὑπούσας αἰτίας. ἐδήλωσε δ' αὐτὸ τὸ ἔργον. ἐπειδὴ γάρ, ὧ ἄνδρες Ἀθηναῖοι, τῶν ὑμετέρων πολιτῶν τινες παραγενόμενοι ἀπὸ ταῦτομάτου συνεβούλευον ἡμῖν τὸ μὲν διδόμενον λαμβάνειν, περὶ δὲ τῶν ἀντιλεγόμενων κρίνεσθαι, τοὺς δ' εἰς Ῥόδον τόκους μὴ καθομολογεῖν τέως ἂν κριθῶμεν, ἡμεῖς μὲν ταῦτα συνεχωροῦμεν, οὐκ ἀγνοοῦντες, ὧ ἄνδρες δικασταί,

## AGAINST DIONYSODORUS, 11-14

who might wish to accuse us and say that we also had been partners to the conveyance of the grain to Rhodes ; and complaining also that he and his partner, despite their agreement to do so, had not brought the ship back to your port. When, however, 12 we made no headway in talking about the agreement and our rights, we demanded that he at any rate pay us back the amount loaned with the interest as originally agreed upon. But the fellow treated us with such insolence as to declare that he would not pay the interest stipulated in the agreement. " If, however," he said, " you are willing to accept the interest calculated in proportion to the voyage completed, I will give you," said he, " the interest as far as Rhodes ; but more I will not give." Thus he made a law for himself and refused to comply with the just terms of the agreement.

When we said that we could not acquiesce in any- 13 thing like this, considering that, were we to do so, it would be an admission that we too had been engaged in conveying grain to Rhodes, he became even more insistent, and came up to us, bringing a host of witnesses, asserting that he was ready to pay us the principal with interest as far as Rhodes ; not that he had any more intention to pay us, men of the jury, but suspecting that we should be unwilling to accept the money on account of the charges to which our action might give rise. The result made this clear. For when 14 some of your citizens, men of Athens, who chanced to be present advised us to accept what was offered and to sue for the amount under dispute, but not to admit the reckoning of the interest to Rhodes until the case should be settled, we agreed to this. We were not unaware, men of the jury, of our rights

## DEMOSTHENES

τὸ ἐκ τῆς συγγραφῆς δίκαιον, ἀλλ' ἡγούμενοι δεῖν  
 ἐλαττοῦσθαί τι καὶ συγχωρεῖν, ὥστε μὴ δοκεῖν  
 φιλόδικοι εἶναι· οὗτος δ' ὡς ἐώρα ἡμᾶς ὁμόσε  
 πορευομένους, “ ἀναιρεῖσθε,” φησί, “ τοίνυν τὴν  
 15 συγγραφὴν.” “ ἡμεῖς ἀναιρώμεθα; οὐδέν γε μάλ-  
 λον ἢ ὅτιοῦν· ἀλλὰ κατὰ μὲν τὰργύριον, ὃ ἂν  
 ἀποδιδῶς, ὁμολογήσομεν ἐναντίον τοῦ τραπεζίτου  
 ἄκυρον ποιεῖν τὴν συγγραφὴν, τὸ μέντοι σύνολον  
 οὐκ ἂν ἀνελοίμεθα, ἕως ἂν περὶ τῶν ἀντιλεγομένων  
 κριθῶμεν. τί γὰρ ἔχοντες δίκαιον ἢ τί τὸ ἰσχυρὸν  
 ἀντιδικήσομεν, εἰάν τε πρὸς διαιτητὴν εἰάν τ' εἰς  
 δικαστήριον δέη βαδίζειν, ἀνελόμενοι τὴν συγ-  
 γραφὴν, ἐν ἧ τὴν ὑπὲρ τῶν δικαίων βοήθειαν  
 16 ἔχομεν;” ταῦτα δ' ἡμῶν λεγόντων, ὧ ἄνδρες  
 δικασταί, καὶ ἀξιούντων Διονυσόδωρον τουτονί,  
 [1288] τὴν μὲν συγγραφὴν μὴ κινεῖν μηδ' ἄκυρον ποιεῖν  
 τὴν ὁμολογουμένην καὶ ὑπ' αὐτῶν κυρίαν εἶναι,  
 τῶν δὲ χρημάτων ὅσα μὲν αὐτὸς ὁμολογεῖ, ἀπο-  
 δοῦναι ἡμῖν, περὶ δὲ τῶν ἀντιλεγομένων ὡς ἐτοί-  
 μων ὄντων κριθῆναι, εἴτε βούλοιντο ἐφ' ἐνὸς εἴτε  
 κἂν πλείοσι τῶν ἐκ τοῦ ἐμπορίου, οὐκ ἔφη προσ-  
 ἔχειν Διονυσόδωρος τούτων οὐδενί, ἀλλ' ὅτι τὴν  
 συγγραφὴν ὅλως οὐκ ἀνηρούμεθα ἀπολαμβάνοντες  
 ἂ οὗτος ἐπέταπτεν, ἔχει δεύτερον ἔτος τὰ ἡμέτερα  
 17 καὶ χρῆται τοῖς χρήμασι· καὶ ὃ πάντων ἐστὶ  
 δεινότατον, ὧ ἄνδρες δικασταί, ὅτι αὐτὸς μὲν οὗτος  
 παρ' ἐτέρων εἰσπράττει ναυτικούς τόκους ἀπὸ τῶν

<sup>a</sup> Maritime loans appear to have commanded a higher rate of interest than those secured by real property because of the greater risk involved. In Oration L § 17 we are told of a  
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## AGAINST DIONYSODORUS, 14-17

under the agreement, but we thought it better to suffer some loss and to make a concession, so as not to appear litigious. But when the fellow saw that we were on the point of accepting his offer, he said, "Well, then, cancel the agreement." "We cancel 15 the agreement? Indeed we will not. However, as far as concerns any money you may pay we will in the presence of the banker agree to annul the agreement; but cancel it in its entirety we will not, until we get a verdict on the matters under dispute. For what just plea shall we have, or on what can we rely when we come to a contest at law, whether we have to appear before an arbitrator or before a court, if we have cancelled the agreement on which we rely for the recovery of our rights?" Such was our 16 answer to him, men of the jury, and we demanded of this fellow Dionysodorus that he should not disturb or annul the agreement which these men themselves admitted to be binding, but that in regard to the amount he should pay us what he himself acknowledged to be due and to leave the settlement of the sum under dispute (with the understanding that the money was available) to the decision of one or more arbitrators, as he might prefer, to be chosen from among the merchants of this port. Dionysodorus, however, would not listen to anything of this sort, but because we refused to accept what he agreed to pay and cancel the agreement altogether, he has for two years kept and made use of our capital; and what is the most outrageous thing of all, 17 men of the jury, the fellow himself gets maritime interest<sup>a</sup> from other people from our money, lending maritime loan contracted at 12½%, but the rate of interest varied.

## DEMOSTHENES

ἡμετέρων χρημάτων, οὐκ Ἀθήνησι δανείσας οὐδ' εἰς Ἀθήνας, ἀλλ' εἰς Ῥόδον καὶ Αἴγυπτον, ἡμῖν δὲ τοῖς δανείσασιν εἰς τὸ ὑμέτερον ἐμπόριον οὐκ οἴεται δεῖν τῶν δικαίων οὐδὲν ποιεῖν.

Ὅτι δ' ἀληθῆ λέγω, ἀναγνώσεται ὑμῖν τὴν πρόκλησιν ἣν ὑπὲρ τούτων προὔκαλεσάμεθ' αὐτόν.

### ΠΡΟΚΛΗΣΙΣ

18 Ταῦτα τοίνυν, ὦ ἄνδρες δικασταί, προκαλεσάμενων ἡμῶν Διονυσόδωρον τουτονὶ πολλάκις, καὶ ἐπὶ πολλὰς ἡμέρας ἐκτιθέντων τὴν πρόκλησιν, εὐήθεις ἔφη παντελῶς ἡμᾶς εἶναι, εἰ ὑπολαμβάνομεν αὐτὸν οὕτως ἀλογίστως ἔχειν, ὥστ' ἐπὶ διαιτητὴν βαδίζειν, προδήλου ὄντος ὅτι καταγνώσεται αὐτοῦ ἀποτεῖσαι τὰ χρήματα, ἐξὸν αὐτῷ ἐπὶ τὸ δικαστήριον ἦκειν φέροντα τὰργύριον, εἴτ', εἰ μὲν δύνηται ὑμᾶς παρακρούσασθαι, ἀπιέναι τὰλλότρια ἔχοντα, εἰ δὲ μή, τηνικαῦτα καταθεῖναι τὰ χρήματα, ὡς ἂν ἄνθρωπος οὐ τῷ δικαίῳ πιστεύων, ἀλλὰ διάπειραν ὑμῶν λαμβάνειν βουλόμενος.

19 [1289] Ταῦ μὲν τοίνυν πεπραγμένα Διονυσοδώρῳ ἀκηκόατε, ὦ ἄνδρες δικασταί· οἶομαι δ' ὑμᾶς θαυμάζειν ἀκούοντας πάλαι τὴν τόλμαν αὐτοῦ, καὶ τῷ ποτε πιστεύων εἰσελήλυθε δευρί. πῶς γὰρ οὐ τολμηρόν, εἴ τις ἄνθρωπος δανεισάμενος χρήματα ἐκ τοῦ  
20 ἐμπορίου τοῦ Ἀθηναίων, καὶ συγγραφὴν διαρρήδην γραψάμενος ἐφ' ᾧ τε καταπλεῖν τὴν ναῦν εἰς τὸ ὑμέτερον ἐμπόριον, εἰ δὲ μή, ἀποτίνειν διπλάσια τὰ



it, not at Athens or for a voyage to Athens, but for voyages to Rhodes and Egypt, while to us who lent him money for a voyage to your port he thinks he need do nothing that justice demands.

To prove that I am speaking the truth, the clerk shall read you the challenge which I gave Dionysodorus concerning these matters.

THE CHALLENGE

This challenge, then, we tendered to this Dionysodorus again and again, and we exposed the challenge to public view over a period of many days. He, however, declared that we must be absolute simpletons, if we supposed him to be senseless enough to go before an arbitrator—who would most certainly condemn him to pay the debt—when he might come into court bringing the money with him, and then, if he could hoodwink you he would go back keeping possession of what was another's, and if he could not, he would then pay the money. Thus he showed that he had no confidence in the justice of his case, but that he wished to make trial of you.

You have heard, then, men of the jury, what Dionysodorus has done; and as you have heard I fancy you have long been amazed at his audacity, and have wondered upon what in the world he relies in coming into court. For is it not the height of audacity, when a man who has borrowed money from the port of Athens, and has expressly agreed in writing that his ship shall return to your port, or that, if she does not, he shall pay double the amount, has

## DEMOSTHENES

χρήματα, μήτε τὴν ναῦν κατακεκόμικεν εἰς τὸν Πειραιᾶ μήτε τὰ χρήματ' ἀποδίδωσι τοῖς δανεί-  
 σασι, τὸν τε σῖτον ἐξελόμενος ἐν Ῥόδῳ ἀπέδοτο,  
 καὶ ταῦτα διαπεπραγμένος μηδὲν ἦττον τολμᾶ

- 21 βλέπειν εἰς τὰ ὑμέτερα πρόσωπα; ἃ δὴ λέγει  
 πρὸς ταῦτ' ἀκούσατε. φησὶ γὰρ τὴν ναῦν πλέουσαν  
 ἐξ Αἰγύπτου ῥαγῆναι, καὶ διὰ ταῦτ' ἀναγκασθῆναι  
 καὶ προσσχεῖν εἰς τὴν Ῥόδον κάκει ἐξελέσθαι τὸν  
 σῖτον. καὶ τούτου τεκμήριον λέγει, ὡς ἄρ' ἐκ τῆς  
 Ῥόδου μισθώσαιτο πλοῖα καὶ δεῦρ' ἀποστείλειε  
 τῶν χρημάτων ἔνια. ἐν μὲν τοῦτ' ἔστιν αὐτῷ  
 22 μέρος τῆς ἀπολογίας, δεύτερον δ' ἐκείνο· φησὶ γὰρ  
 ἑτέρους τινὰς δανειστὰς συγκεχωρηκέναι αὐτῷ  
 τοὺς τόκους τοὺς εἰς Ῥόδον· δεινὸν οὖν, εἰ ἡμεῖς  
 μὴ συγχωρήσομεν ταῦτὰ ἐκείνοις. τρίτον πρὸς  
 τούτοις τὴν συγγραφὴν κελεύειν φησὶν αὐτὸν  
 σωθείσης τῆς νεὼς ἀποδοῦναι τὰ χρήματα, τὴν δὲ  
 ναῦν οὐ σεσῶσθαι εἰς τὸν Πειραιᾶ. πρὸς ἕκαστον  
 δὴ τούτων, ὧ ἄνδρες δικασταί, ἀκούσατε ἃ λέγομεν  
 δίκαια.

- 23 Πρῶτον μὲν τὸ ῥαγῆναι τὴν ναῦν ὅταν λέγη,  
 οἶμαι πᾶσιν ὑμῖν φανερόν εἶναι ὅτι ψεύδεται. εἰ  
 [1290] γὰρ τοῦτο συνέβη παθεῖν τῇ νηί, οὔτ' ἂν εἰς τὴν  
 Ῥόδον ἐσώθη οὔτ' ἂν ὕστερον πλώμιος ἦν. νῦν δὲ  
 φαίνεται εἰς τὴν Ῥόδον σωθεῖσα καὶ πάλιν ἐκείθεν  
 ἀποσταλεῖσα εἰς Αἴγυπτον καὶ ἔτι καὶ νῦν πλέουσα  
 πανταχόσε, πλὴν οὐκ εἰς Ἀθήνας. καίτοι πῶς οὐκ  
 ἄτοπον, ὅταν μὲν εἰς τὸ Ἀθηναίων ἐμπόριον δεήσῃ  
 κατάγειν τὴν ναῦν, ῥαγῆναι φάσκειν, ὅταν δ' εἰς  
 τὴν Ῥόδον τὸν σῖτον ἐξελέσθαι, τηνικαῦτα δὲ  
 πλώμιον οὔσαν φαίνεσθαι τὴν αὐτὴν ναῦν;

- 24 Διὰ τί οὖν, φησὶν, ἐμισθωσάμην ἕτερα πλοῖα καὶ

not brought the ship to the Peiraeus and does not pay his debt to the lenders; and as for the grain, has unladed that and sold it at Rhodes, and then despite all this dares to look into your faces? But hear <sup>21</sup> what he says in reply to this. He alleges that the ship was disabled on the voyage from Egypt, and that for this reason he was obliged to touch at Rhodes and unlade the grain there. And as a proof of this he states that he chartered ships from Rhodes and shipped some of his goods to Athens. This is one part of his defence, and here is another. He claims <sup>22</sup> that some other creditors of his have agreed to accept from him interest as far as Rhodes, and that it would be hard indeed if we should not make the same concession that they have made. And thirdly, besides all this, he declares that the agreement requires him to pay the money if the ship arrives safely, but that the ship has not arrived safely in the Peiraeus. To each of these arguments, men of the jury, hear the just answer that we make.

In the first place, when he says that the ship was <sup>23</sup> disabled, I think it is plain to you all that he is lying. For if his ship had met with this mishap, she would neither have got safely to Rhodes nor have been fit for sailing afterwards. But in fact it is plain that she did get safe to Rhodes and was sent back from thence to Egypt, and that at the present time she is still sailing everywhere except to Athens. And yet is it not outrageous that, when he has to bring his ship back to the port of Athens, he says she was disabled, but when he wants to unlade his grain at Rhodes, then that same ship is seen to be seaworthy?

Why, then, he says, did I charter other ships and <sup>24</sup>

## DEMOSTHENES

- μετεξειλόμην τὸν γόμον καὶ δεῦρ' ἀπέστειλα; ὅτι, ὦ ἄνδρες Ἀθηναῖοι, οὐ τῶν ἀπάντων ἀγωγίμων οὔθ' οὗτος ἦν κύριος οὔθ' ὁ κοινωνὸς αὐτοῦ, ἀλλ' οἱ ἐπιβάται τὰ ἑαυτῶν χρήματ' ἀπέστελλον, οἶμαι, δεῦρ' ἐν ἑτέροις πλοίοις ἐξ ἀνάγκης, ἐπειδὴ προκατέλυσαν οὗτοι τὸν πλοῦν· ὧν μέντοι αὐτοὶ ἦσαν κύριοι, ταῦτα δ' οὐκ ἀπέστελλον πάντα δεῦρο, ἀλλ'
- 25 ἐκλεγόμενοι τίνων αἱ τιμαὶ ἐπετέταντο. ἐπεὶ τί δήποτε μισθούμενοι ἕτερα πλοῖα, ὡς φατε, οὐχ ἅπαντα τὸν γόμον τῆς νεῶς μετενέθεσθε, ἀλλὰ τὸν σῖτον αὐτοῦ ἐν τῇ Ῥόδῳ κατελίπετε; ὅτι, ὦ ἄνδρες δικασταί, τοῦτον μὲν συνέφερεν αὐτοῖς ἐκεῖσε πωλεῖν· τὰς γὰρ τιμὰς τὰς ἐνθάδε ἀνεικέναι ἤκουον· τὰ δ' ἄλλ' ἀγώγιμα ὡς ὑμᾶς ἀπέστελλον, ἀφ' ὧν κερδανεῖν ἤλπιζον. ὥστε τὴν μίσθωσιν τῶν πλοίων ὅταν λέγῃς, οὐ τοῦ ῥαγῆναι τὴν ναῦν τεκμήριον λέγεις, ἀλλὰ τοῦ συμφέροντος ὑμῖν.
- 26 Περὶ μὲν οὖν τούτων ἱκανά μοι τὰ εἰρημένα· περὶ δὲ τῶν δανειστῶν, οὓς φασι συγκεχωρηκέναι λαβεῖν παρ' αὐτῶν τοὺς εἰς Ῥόδον τόκους, ἔστι μὲν οὐδὲν [1291] πρὸς ἡμᾶς τοῦτο. εἰ γὰρ τις ὑμῖν ἀφῆκέ τι τῶν αὐτοῦ, οὐδὲν ἀδικεῖται οὔθ' ὁ δούς οὔθ' ὁ πεισθείς· ἀλλ' ἡμεῖς οὔτ' ἀφείκαμέν σοι οὐδὲν οὔτε συγκεχωρήκαμεν τῷ πλῶ τῷ εἰς Ῥόδον, οὐδ' ἐστὶν ἡμῖν
- 27 οὐδὲν κυριώτερον τῆς συγγραφῆς. αὕτη δὲ τί λέγει καὶ ποῖ προστάττει τὸν πλοῦν ποιεῖσθαι; Ἀθήνηθεν εἰς Αἴγυπτον καὶ ἐξ Αἰγύπτου εἰς Ἀθήνας· εἰ δὲ μή, ἀποτίνειν κελεύει διπλάσια τὰ

tranship my cargo and despatch it here to Athens ? Because, men of Athens, neither the defendant nor his partner was owner of the entire cargo, but, I fancy, the supercargoes who were on board despatched their own goods hither, in other bottoms necessarily, seeing that these men had cut short the voyage before the ship reached her destination. As for the goods, however, which were their own, they did not ship these in their entirety to Athens, but sought out what ones had advanced in price. For why, pray, 25 was it that, when you had hired other bottoms, as you say, you did not tranship the entire cargo of your vessel, but left the grain there in Rhodes ? Because, men of the jury, it was to their interest to sell the grain in Rhodes ; for they heard that the price had fallen here in Athens, but they shipped to you the other goods, from which they hoped to make a profit. When, then, Dionysodorus, you talk about the chartering of the vessels, you give proof, not that your ship was disabled, but that it was to your advantage to do so.

Concerning these matters, then, what I have said 26 is sufficient, but in regard to the creditors, who, they say, consented to accept from them the interest as far as Rhodes, this has nothing to do with us. If any man has remitted to you any part of what was due him, no wrong is suffered by either party to the arrangement. But we have not remitted anything to you, nor have we consented to your voyage to Rhodes, nor in our judgement is anything more binding than the agreement. Now what does the 27 agreement say, and to what port does it require you to sail ? From Athens to Egypt and from Egypt to Athens ; and in default of your so doing, it requires

## DEMOSTHENES

χρήματα. ταῦτ' εἰ μὲν πεποίηκας, οὐδὲν ἀδικεῖς,  
 εἰ δὲ μὴ πεποίηκας μηδὲ κατακεκόμικας τὴν ναῦν  
 Ἀθήναζε, προσήκει σε ζημιοῦσθαι τῷ ἐπιτιμίῳ τῷ  
 ἐκ τῆς συγγραφῆς· τοῦτο γὰρ τὸ δίκαιον οὐκ ἄλλος  
 οὐδεὶς, ἀλλ' αὐτὸς σὺ σαυτῷ ὤρισας. δείξον οὖν  
 τοῖς δικασταῖς δυοῖν θάτερον, ἢ τὴν συγγραφὴν,  
 ὡς οὐκ ἔστιν ἡμῖν κυρία, ἢ ὡς οὐ δίκαιος εἰ πάντα  
 28 κατὰ ταύτην πράττειν. εἰ δέ τινες ἀφείκασί τί σοι  
 καὶ συγκεχωρήκασι τοὺς εἰς Ῥόδον τόκους ὅτω  
 δήποτε τρόπῳ πεισθέντες, διὰ ταῦτ' οὐδὲν ἀδικεῖς  
 ἡμᾶς, οὓς παρασυγγεγράφηκας εἰς Ῥόδον κατ-  
 αγαγὼν τὴν ναῦν; οὐκ οἴομαί γε· οὐ γὰρ τὰ ὑφ'  
 ἐτέρων συγκεχωρημένα δικάζουσιν οὗτοι νῦν, ἀλλὰ  
 τὰ ὑπ' αὐτοῦ σου πρὸς ἡμᾶς συγγεγραμμένα. ἐπεὶ  
 ὅτι γε καὶ τὸ περὶ τὴν ἄφεσιν τῶν τόκων, εἰ ἄρα  
 γέγονεν, ὡς οὗτοι λέγουσι, μετὰ τοῦ συμφέροντος  
 τοῦ τῶν δανειστῶν γέγονε, πᾶσιν ὑμῖν φανερόν  
 29 ἔστιν. οἱ γὰρ ἐκ τῆς Αἰγύπτου δανείσαντες τού-  
 τοις ἑτερόπλου τὰργύριον εἰς Ἀθήνας, ὡς ἀφί-  
 κοντο εἰς τὴν Ῥόδον καὶ τὴν ναῦν ἐκέισε οὗτοι  
 κατεκόμισαν, οὐδὲν, οἶμαι, διέφερεν αὐτοῖς ἀφεμένοις  
 τῶν τόκων καὶ κομισαμένοις τὸ δάνειον ἐν τῇ  
 [1292] Ῥόδῳ, πάλιν ἐνεργὸν ποιεῖν εἰς τὴν Αἴγυπτον, ἀλλ'  
 ἐλυσιτέλει πολλῷ μᾶλλον τοῦτ' ἢ δεῦρ' ἐπαναπλεῖν.  
 30 ἐκέισε μὲν γε ἀκέραιος<sup>1</sup> ὁ πλοῦς, καὶ δις ἢ τρὶς  
 ὑπῆρχεν αὐτοῖς ἐργάσασθαι τῷ αὐτῷ ἀργυρίῳ·  
 ἐνταῦθα δ' ἐπιδημήσαντας παραχειμάζειν ἔδει καὶ  
 περιμένειν τὴν ὥραιαν. ὥστ' ἐκείνοι μὲν οἱ δα-

<sup>1</sup> ἀκέραιος] ἀκεριαῖος Blass, with ms. A. ἀκέραιος, which probably means "pure," "intact," must here mean "uninterrupted."

you to pay double the amount. If you have done this, you have committed no wrong ; but if you have not done it, and have not brought your ship back to Athens, it is proper that you should suffer the penalty provided by the agreement ; for this requirement was imposed upon you, not by some other person, but by yourself. Show, then, to the jury one or the other of two things—that our agreement is not valid, or that you are not required to do everything in accordance with it. If certain people have 28 remitted anything in your favour, and have been induced on one ground or another to accept interest only as far as Rhodes, does it follow that you are doing no wrong to us, your agreement with whom you have broken in having your ship put into Rhodes ? I do not think so. For this jury is not now deciding upon concessions made to you by others, but upon an agreement entered into by you yourself with us. For that the remission of the interest, supposing that it actually took place, as these men allege, was to the advantage of the creditors, is plain to every one of you. For those who lent their money to these 29 men for the outward voyage from Egypt to Athens, when they reached Rhodes and this man put into that port, suffered no loss, I take it, by remitting the interest and receiving the amount of their loan at Rhodes, and then putting the money to work again for a voyage to Egypt. No ; this was more to their advantage than to continue the voyage to this port. For voyaging from Rhodes to Egypt is 30 uninterrupted, and they could put the same money to work two or three times, whereas here they would have had to pass the winter and to await the season for sailing. These creditors therefore have reaped an

## DEMOSTHENES

νεισται προσκεκερδήκασι καὶ οὐκ ἀφείκασι τούτοις οὐδέν· ἡμῖν δ' οὐχ ὅπως περὶ τοῦ τόκου ὁ λόγος ἐστίν, ἀλλ' οὐδὲ τὰρχαῖα ἀπολαβεῖν δυνάμεθα.

31 Μὴ οὖν ἀποδέχεσθε τούτου φενακίζοντος ὑμᾶς καὶ τὰ πρὸς τοὺς ἄλλους δανειστὰς πεπραγμένα παραβάλλοντος, ἀλλ' ἐπὶ τὴν συγγραφὴν ἀνάγετ' αὐτὸν καὶ τὰ ἐκ τῆς συγγραφῆς δίκαια. ἔστι γὰρ ἐμοί τε λοιπὸν διδάξαι ὑμᾶς τοῦτο, καὶ οὗτος ἰσχυρίζεται τῷ αὐτῷ τούτῳ, φάσκων τὴν συγγραφὴν κελεύειν σωθείσης τῆς νεὼς ἀποδιδόναι τὸ δάνειον. καὶ ἡμεῖς ταῦθ' οὕτω φαμέν δεῖν ἔχειν.

32 ἠδέως δ' ἂν πυθοίμην αὐτοῦ σοῦ, πότερον ὡς ὑπὲρ διεφθαρμένης τῆς νεὼς διαλέγη, ἢ ὡς ὑπὲρ σεσωσμένης. εἰ μὲν γὰρ διέφθαρται ἡ ναῦς καὶ ἀπόλωλε, τί περὶ τῶν τόκων διαφέρῃ καὶ ἀξιοῖς ἡμᾶς κομίζεσθαι τοὺς εἰς Ῥόδον τόκους; οὔτε γὰρ τοὺς τόκους οὔτε τὰρχαῖα προσήκει ἡμᾶς ἀπολαβεῖν. εἰ δ' ἐστὶν ἡ ναῦς σώα καὶ μὴ διεφθαρται, διὰ τί ἡμῖν οὐκ ἀποδίδως τὰ χρήμαθ' ἃ συνεγράψω;

33 πόθεν οὖν ἀκριβέστατ' ἂν μάθοιτ', ἄνδρες Ἀθηναῖοι, ὅτι σέσωσται ἡ ναῦς; μάλιστα μὲν ἐξ αὐτοῦ τοῦ εἶναι τὴν ναῦν ἐν πλῶ, οὐχ ἦττον δὲ καὶ ἐξ ὧν αὐτοὶ οὗτοι λέγουσιν. ἀξιούσι γὰρ ἡμᾶς τά τ' ἀρχαῖα ἀπολαβεῖν καὶ μέρος τι τῶν τόκων, ὡς σεσωσμένης μὲν τῆς νεὼς, οὐ πεπλευκυίας δὲ

[1293] πάντα τὸν πλοῦν. σκοπεῖτε δ', ὦ ἄνδρες Ἀθη-

34 ναῖοι, πότερον ἡμεῖς τοῖς ἐκ τῆς συγγραφῆς δικαίοις χρώμεθα ἢ οὗτοι, οἱ οὗτ' εἰς τὸ συγκείμενον ἐμπόριον πεπλεύκασιν, ἀλλ' εἰς Ῥόδον καὶ Αἴ-



additional profit, and have not remitted anything to these men. With us, however, it is not a question of the interest merely, but we are unable to recover even our principal.

Do not, then, listen to him, when he seeks to 31 hoodwink you, and brings before you his transactions with other creditors, but refer him to the agreement and to the rights growing out of it. It remains for me to interpret this matter for you, and the defendant insists upon this very thing, stating that the agreement requires him to repay the loan only if the ship arrives safe. We also maintain that this should be so. But I should be 32 glad to ask you yourself, Dionysodorus, whether you are speaking of the ship as having been lost, or as having arrived safe. For if the ship has been wrecked and is lost, why do you keep on disputing about the interest and demanding that we accept interest as far as Rhodes? For in that case we have not the right to recover either interest or principal. But if the ship is safe and has not been wrecked, why do you not pay us the money which you agreed to pay? In what way, men of Athens, can you be 33 most convincingly assured that the ship has reached port safe? In the first instance by the mere fact that she is now at sea, and no less clearly by the statements made by these men themselves. For they ask us to accept payment of the principal and a certain portion of the interest, thus implying that the ship has reached port safe, but has not completed her entire voyage. Now consider, men of Athens, 34 whether it is we who are abiding by the requirements of the contract, or whether it is these men, who have sailed, not to the port agreed upon, but

## DEMOSTHENES

- γυπτον, σωθείσης τε τῆς νεώς καὶ οὐ διεφθαρμένης  
 ἄφεσιν οἴονται δεῖν εὐρίσκεσθαι τῶν τόκων, παρα-  
 συγγεγραφήκοτες, καὶ αὐτοὶ μὲν πολλὰ χρήματ'  
 εἰργασμένοι παρὰ τὴν σιτηγίαν τὴν εἰς Ῥόδον, τὰ  
 δ' ἡμέτερα χρήματ' ἔχοντες καὶ καρπούμενοι δεύ-  
 35 *τερον ἔτος τουτί. καινότατον δ' ἐστὶ πάντων τὸ*  
*γιγνόμενον· τὸ μὲν γὰρ δάνειον τὸ ἀρχαῖον ἀπο-*  
*διδόασιν ἡμῖν ὡς σεσωσμένης τῆς νεώς, τοὺς*  
*τόκους δ' ἀποστερηῆσαι οἴονται δεῖν ὡς διεφθαρ-*  
*μένης. καίτοι ἡ συγγραφὴ οὐχ ἕτερα μὲν λέγει*  
*περὶ τῶν τόκων, ἕτερα δὲ περὶ τοῦ ἀρχαίου δα-*  
*νείσματος, ἀλλὰ τὰ δίκαια ταῦτα περὶ ἀμφοῖν ἐστί*  
*καὶ ἡ πράξις ἡ αὐτή.*
- 36 Ἀνάγνωθι δέ μοι πάλιν τὴν συγγραφὴν.

### ΣΥΓΓΡΑΦΗ

. . . Ἀθήνηθεν εἰς Αἴγυπτον καὶ ἐξ Αἰγύπτου  
 Ἀθήναζε.

Ἀκούετε, ὦ ἄνδρες Ἀθηναῖοι· “Ἀθήνηθεν,” φη-  
 σίν, “εἰς Αἴγυπτον καὶ ἐξ Αἰγύπτου Ἀθήναζε.”

Λέγε τὰ λοιπά.

### ΣΥΓΓΡΑΦΗ

Σωθείσης δὲ τῆς νεώς εἰς Πειραιᾶ . . .

- 37 Ἄνδρες Ἀθηναῖοι, πάνν ἀπλοῦν ἐστὶ διαγνῶναι  
 ὑμῖν ὑπὲρ ταυτησὶ τῆς δίκης, καὶ οὐδὲν δεῖ λόγων  
 πολλῶν. ἡ ναῦς ὅτι μὲν σέσωσται καὶ ἔστι σώα,  
 καὶ παρ' αὐτῶν τούτων ὁμολογεῖται· οὐ γὰρ ἂν  
 ἀπεδίδοσαν τό τ' ἀρχαῖον δάνειον καὶ τῶν τόκων  
 μέρος τι. οὐ κατακεκόμισται δ' εἰς τὸν Πειραιᾶ.  
 διὰ τοῦθ' ἡμεῖς μὲν οἱ δανείσαντες ἀδικεῖσθαί  
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## AGAINST DIONYSODORUS, 34-37

to Rhodes and Egypt, and who, when the ship has reached port safe and has not been lost, claim to be entitled to an abatement of the interest, although they have broken the agreement, and have themselves made a large profit by the carrying of grain to Rhodes, and by keeping and making use of our money for two years. What they are doing is indeed 35 an unheard-of thing. They offer to pay us the principal of our loan, thus implying that the ship has reached port safe, but they claim the right to rob us of our interest on the ground that she has been wrecked. The agreement, however, does not say one thing about the interest and another about the principal of the loan, but our rights are the same for both and our means of recovery the same.

(*To the clerk.*) Please read the agreement again. 36

### THE AGREEMENT

From Athens to Egypt and from Egypt to Athens.

You hear, men of Athens. It says "From Athens to Egypt and from Egypt to Athens."

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

### THE AGREEMENT

And if the ship arrives safe at Peiraeus . . .

Men of Athens, it is a very simple thing for you 37 to reach a decision in this suit, and there is no need of many words. That the ship has reached port safe, and is safe, is admitted by these men themselves; for otherwise they would not be offering to pay the principal of the loan and a portion of the interest. She has not, however, been brought back to the Peiraeus. It is for this reason that we, the creditors,

## DEMOSTHENES

[1294] 38 φάμεν, καὶ ὑπὲρ τούτου δικαζόμεθα, ὅτι οὐ κατέπλευσεν εἰς τὸ συγκείμενον ἐμπόριον. Διονυσόδωρος δ' οὐ φησιν ἀδικεῖν δι' αὐτὸ τοῦτο· οὐ γὰρ δεῖν αὐτὸν ἀποδοῦναι πάντα τοὺς τόκους, ἐπειδὴ ἡ ναῦς οὐ κατέπλευσεν εἰς τὸν Πειραιᾶ. ἡ δὲ συγγραφὴ τί λέγει; οὐ μὰ Δί' οὐ ταῦθ' ἂ σὺ λέγεις, ὦ Διονυσόδωρε· ἀλλ' ἐὰν μὴ ἀποδώσῃ τὸ δάνειον καὶ τοὺς τόκους, ἢ μὴ παράσχῃς τὰ ὑποκείμενα ἐμφανῆ καὶ ἀνέπαφα, ἢ ἄλλο τι παρὰ τὴν συγγραφὴν ποιήσῃς, ἀποτίνειν κελεύει σε διπλάσια τὰ χρήματα.

Καί μοι λέγε αὐτὸ τοῦτο τῆς συγγραφῆς.

### ΣΥΓΓΡΑΦΗ

Ἐὰν δὲ<sup>1</sup> μὴ παράσχῃς τὰ ὑποκείμενα ἐμφανῆ καὶ ἀνέπαφα, ἢ ποιήσῃς τι παρὰ τὴν συγγραφὴν, ἀποδιδότωσαν διπλάσια τὰ χρήματα.

39 Ἔστιν οὖν ὅποι παράσχῃς ἐμφανῆ τὴν ναῦν, ἀφ' οὗ τὰ χρήματα ἔλαβες παρ' ἡμῶν, ὁμολογῶν σῶαν εἶναι αὐτός; ἢ καταπέπλευκας ἐξ ἐκείνου τοῦ χρόνου εἰς τὸ Ἀθηναίων ἐμπόριον, τῆς συγγραφῆς διαρρήδην λεγούσης εἰς τὸν Πειραιᾶ κατὰ γειν τὴν ναῦν καὶ ἐμφανῆ παρέχειν τοῖς  
40 δανείασιν; καὶ γὰρ τοῦτ', ὦ ἄνδρες Ἀθηναῖοι. θεάσασθε τὴν ὑπερβολὴν. ἐρράγη ἡ ναῦς, ὡς φησιν οὗτος, καὶ διὰ τοῦτ' εἰς Ῥόδον κατήγαγεν αὐτήν. οὐκοῦν τὸ μετὰ τοῦτ' ἐπεσκευάσθη καὶ πλώμιος ἐγένετο. διὰ τί οὖν, ὦ βέλτιστε, εἰς μὲν τὴν Αἴγυπτον καὶ τᾶλλ' ἐμπόρια ἀπέστελλες αὐτήν,

<sup>1</sup> After ἐὰν δὲ Blass assumes a lacuna.

claim that we have been wronged, and regarding this we are bringing suit, that, namely she did not make the return voyage to the port agreed upon. Dionysodorus, however, claims that he is doing no 38 wrong because of this very fact, since he is not bound to pay the interest in its entirety inasmuch as the ship did not complete her voyage to Peiraeus. But what does the agreement say? By Zeus it is not at all what you say, Dionysodorus. No; it declares that if you do not pay both the principal and interest, or if you fail to present the security, plain to see and unimpaired, or if in any other respect you violate the agreement, you are required to pay double the amount.

(*To the clerk.*) Read, please, that clause of the agreement.

THE AGREEMENT

And if they shall not produce the security, plain to see and unimpaired, or if in any respect they shall violate the agreement, they shall pay double the amount.

Have you, then, at any place whatever produced 39 the ship plain to see since the time you received the money from us? And yet you yourself admit that she is safe. Or have you ever since that time brought her back to the port of Athens, though the agreement expressly stipulates that you shall bring your ship back to the Peiraeus, and produce her plain to see before the lenders? This is an important 40 point, men of Athens. Just observe the extravagance of his statement. The ship was disabled, so he says, and for this reason he brought her into the port of Rhodes. Well, then, after that she was repaired and became fit for sea. Why, then, my good fellow, did you send her off to Egypt and to other

## DEMOSTHENES

Ἀθήναζε δ' οὐκ ἀπέσταλκας οὐδέπω καὶ νῦν πρὸς  
 ἡμᾶς τοὺς δανείσαντας, οἷς ἡ συγγραφὴ κελεύει σε  
 ἐμφανῆ καὶ ἀνέπαφον τὴν ναῦν παρέχειν, καὶ ταῦτ'  
 ἀξιούντων ἡμῶν καὶ προκαλεσαμένων σε πολλάκις;  
<sup>41</sup> ἀλλ' οὕτως ἀνδρείος εἶ, μᾶλλον δ' ἀναίσχυντος,  
 [1295] ὥστ' ἐκ τῆς συγγραφῆς ὀφείλων ἡμῖν διπλάσια τὰ  
 χρήματα, οὐκ οἶει δεῖν οὐδὲ τοὺς τόκους τοὺς  
 γιγνομένους ἀποδοῦναι, ἀλλὰ τοὺς εἰς Ῥόδον προσ-  
 τάττεις ἀπολαβεῖν, ὥσπερ τὸ σὸν πρόσταγμα τῆς  
 συγγραφῆς δέον κυριώτερον γενέσθαι, καὶ τολμᾶς  
 λέγειν ὡς οὐκ ἐσώθη ἡ ναῦς εἰς τὸν Πειραιᾶ· ἐφ' ᾧ  
<sup>42</sup> δικαίως ἂν ἀποθάνοις ὑπὸ τῶν δικαστῶν. διὰ τίνα  
 γὰρ ἄλλον, ᾧ ἄνδρες δικασταί, οὐ σέσωσται ἡ ναῦς  
 εἰς τὸν Πειραιᾶ; πότερον δι' ἡμᾶς τοὺς διαρρήδην  
 δανείσαντας εἰς Αἴγυπτον καὶ εἰς Ἀθήνας, ἢ διὰ  
 τοῦτον καὶ τὸν κοινωνὸν αὐτοῦ, οἱ ἐπὶ ταύταις ταῖς  
 ὁμολογίαις δανεισάμενοι, ἐφ' ᾧ τε καταπλεῖν  
 Ἀθήναζε, εἰς Ῥόδον κατήγαγον τὴν ναῦν; ὅτι  
 δ' ἐκόντες καὶ οὐκ ἐξ ἀνάγκης ταῦτ' ἔπραξαν, ἐκ  
<sup>43</sup> πολλῶν δῆλον. εἰ γὰρ ὡς ἀληθῶς ἀκούσιον τὸ  
 συμβὰν ἐγένετο καὶ ἡ ναῦς ἐρράγη, τὸ μετὰ τοῦτ'  
 ἐπειδὴ ἐπεσκεύασαν τὴν ναῦν, οὐκ ἂν εἰς ἕτερα  
 δήπου ἐμπόρια ἐμίσθουν αὐτήν, ἀλλ' ὡς ὑμᾶς ἀπ-  
 ἔστελλον, ἐπανορθούμενοι τὸ ἀκούσιον σύμπτωμα.  
 νῦν δ' οὐχ ὅπως ἐπηνωρθώσαντο, ἀλλὰ πρὸς τοῖς  
 ἐξ ἀρχῆς ἀδικήμασι πολλῶ μείζω προσεξημαρτή-  
 κασι, καὶ ὥσπερ ἐπὶ καταγέλωτι ἀντιδικοῦντες  
 εἰσεληλύθασιν, ὡς ἐπ' αὐτοῖς ἐσόμενον, εἰάν κατα-  
 ψηφίσθησθ' αὐτῶν, τὰρχαῖα μόνον ἀποδοῦναι καὶ  
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ports, but have never up to this day sent her back to Athens, to us your creditors, to whom the agreement requires you to produce the ship, plain to see and unimpaired, and that too although we made demand upon you again and again and challenged you to do so? No; you are so bold or rather so 41 impudent, that, while under the agreement you owe us double the amount of our loan, you do not see fit to pay us even the accrued interest, but bid us accept interest as far as Rhodes, as if your command ought to prove of more force than the agreement; and you have the insolence to declare that the vessel did not arrive safe at the Peiraeus; for which you might with justice be condemned to death by the jurors. For who other than this fellow is to blame, 42 men of the jury, if the ship did not arrive safe at the Peiraeus? Are we to blame, who lent our money expressly for a voyage to Egypt and to Athens, or is it the fault of this fellow and his partner, who after borrowing money on these terms, that the vessel should return to Athens, then took her to Rhodes? And that they did this of their own will and not of necessity is clear on many grounds. For 43 if what occurred took place against their will, and the ship was really disabled, afterwards, when they had repaired the ship, they would surely not have let her for a voyage to other ports, but would have despatched her to Athens to make amends for the involuntary accident. As it is, however, they have not only made no amends, but to their original wrongdoings they have added others greater far, and have come here to contest the suit as it were in a spirit of mockery, assuming that it will rest with them, if you give judgement against them, merely

44 τοὺς τόκους. ὑμεῖς οὖν, ὦ ἄνδρες Ἀθηναῖοι, μὴ ἐπιτρέπετε τοῖς οὕτως ἔχουσι, μηδ' ἐπὶ δυοῖν  
 [1296] ἀγκύραιν ὀρμεῖν αὐτοὺς ἐᾶτε, ὡς, ἐὰν μὲν κατορθώσωσι, τὰλλότρια ἔξοντας, ἐὰν δὲ μὴ δύνωνται ἐξαπατῆσαι ὑμᾶς, αὐτὰ τὰ ὀφειλόμεν' ἀποδώσοντας· ἀλλὰ τοῖς ἐπιτιμίαις ζημιοῦτε τοῖς ἐκ τῆς συγγραφῆς. καὶ γὰρ ἂν δεινὸν εἴη, αὐτοὺς μὲν τούτους διπλασίαν καθ' αὐτῶν τὴν ζημίαν γράψασθαι, ἐὰν τι παραβαίνωσι τῶν ἐν τῇ συγγραφῇ, ὑμᾶς δ' ἠπιωτέρως ἔχειν πρὸς αὐτούς, καὶ ταῦτ' οὐχ ἦττον ἡμῶν συνηδικημένους.

45 Τὰ μὲν οὖν περὶ τοῦ πράγματος δίκαια βραχέα ἐστὶ καὶ εὐμνημόνευτα. ἔδανείσαμεν Διονυσοδώρῳ τουτωῖ καὶ τῷ κοινωνῶ αὐτοῦ τρισχιλίας δραχμὰς Ἀθήνηθεν εἰς Αἴγυπτον καὶ ἐξ Αἰγύπτου Ἀθήναζε· οὐκ ἀπειλήσαμεν τὰ χρήματα οὐδὲ τοὺς τόκους, ἀλλ' ἔχουσι τὰ ἡμέτερα καὶ χρῶνται δεύτερον ἔτος· οὐ κατακεκομίσασιν τὴν ναῦν εἰς τὸ ὑμέτερον ἐμπόριον οὐδέπω καὶ νῦν, οὐδ' ἡμῖν παρεσχέκασιν ἐμφανῆ· ἡ δὲ συγγραφὴ κελεύει, ἐὰν μὴ παράσχωσιν ἐμφανῆ τὴν ναῦν, ἀποτίνειν αὐτοὺς διπλάσια τὰ χρήματα, τὴν δὲ πρᾶξιν εἶναι καὶ ἐξ  
 46 ἑνὸς καὶ ἐξ ἀμφοῖν. ταῦτ' ἔχοντες τὰ δίκαια εἰσεληλύθαμεν πρὸς ὑμᾶς, ἀξιοῦντες τὰ ἡμέτερα αὐτῶν ἀπολαβεῖν δι' ὑμῶν, ἐπειδὴ παρ' αὐτῶν τούτων οὐ δυνάμεθα. ὁ μὲν παρ' ἡμῶν λόγος οὗτός ἐστιν. οὗτοι δὲ δανείσασθαι μὲν ὁμολογοῦσι καὶ μὴ ἀποδεδωκέναι, διαφέρονται δ' ὡς οὐ δεῖ τελεῖν αὐτοὺς τοὺς τόκους τοὺς ἐν τῇ συγγραφῇ,



to pay the principal and interest. Do not you, then, 44  
 men of Athens, suffer men of this stamp to have their  
 own way, nor allow them to ride on two anchors,  
 with the hope that, if they are successful, they will  
 retain what belongs to others, and if they are not  
 able to hoodwink you, they will merely pay the  
 bare amount which they owe ; but inflict upon them  
 the penalties provided in the agreement. For it would  
 be an outrageous thing, when these men have them-  
 selves in writing imposed upon themselves a penalty  
 of double the amount, if they commit any breach  
 of the agreement, that you should be more lenient  
 toward them ; especially when you have yourselves  
 been wronged no less than we.

Our claims in the matter, therefore, are few and 45  
 easy to be remembered. We lent this fellow Diony-  
 sodorus and his partner three thousand drachmae for  
 a voyage from Athens to Egypt and from Egypt  
 to Athens ; we have not received either principal or  
 interest, but they have kept our money and had the  
 use of it for two years ; they have not even to this day  
 brought the ship back to your port, nor produced it  
 plain to see. The agreement, however, declares,  
 that if they fail to deliver up the ship plain to  
 see they shall pay double the amount, and that  
 the money may be recovered from either one or  
 both of them. These are the just claims with which 46  
 we have come before you demanding to recover our  
 money through your help, since we cannot get it  
 from these men themselves. Such is the statement  
 of our case. These men, however, while they admit  
 that they borrowed the money and have not paid  
 it back, contend that they are not bound to pay  
 the interest stipulated in the agreement, but the

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ἀλλὰ τοὺς εἰς Ῥόδον, οὓς οὔτε συνεγράψαντο οὔτ'  
 47 ἔπεισαν ἡμᾶς. εἰ μὲν οὖν, ὦ ἄνδρες Ἀθηναῖοι, ἐν  
 τῷ Ῥοδίων δικαστηρίῳ ἐκρινόμεθα, ἴσως ἂν οὔτοι  
 [1297] ἐπλεονέκτουν ἡμῶν, σεσιτηγηκότες πρὸς αὐτοὺς  
 καὶ καταπεπλευκότες τῇ νηὶ εἰς τὸ ἐκείνων ἐμ-  
 πόριον· νῦν δ' εἰς Ἀθηναίους εἰσεληλυθότες καὶ  
 συγγραψάμενοι εἰς τὸ ὑμέτερον ἐμπόριον, οὐκ  
 ἀξιούμεν ἐλαττωθῆναι ὑπὸ τῶν καὶ ἡμᾶς καὶ ὑμᾶς  
 ἡδικηκότων.

48 Χωρὶς δὲ τούτων, ὦ ἄνδρες Ἀθηναῖοι, μὴ ἀγνο-  
 εῖτε, ὅτι νυνὶ μίαν δίκην δικάζοντες νομοθετεῖτε  
 ὑπὲρ ὅλου τοῦ ἐμπορίου, καὶ παρεστᾶσι πολλοὶ τῶν  
 κατὰ θάλατταν ἐργάζεσθαι προαιρουμένων, ὑμᾶς  
 θεωροῦντες, πῶς τὸ πρᾶγμα τουτὶ κρίνετε. εἰ μὲν  
 γὰρ ὑμεῖς τὰς συγγραφὰς καὶ τὰς ὁμολογίας τὰς  
 πρὸς ἀλλήλους γιγνομένας ἰσχυρὰς οἰήσεσθε δεῖν  
 εἶναι καὶ τοῖς παραβαίνουσιν αὐτὰς μηδεμίαν συγ-  
 γνώμην ἔξετε, ἐτοιμότερον προήσονται τὰ ἑαυτῶν  
 οἱ ἐπὶ τοῦ δανείζειν ὄντες, ἐκ δὲ τούτων αὐξηθή-  
 49 σεται ὑμῖν τὸ ἐμπόριον. εἰ μέντοι ἐξέσται τοῖς  
 ναυκλήροις, συγγραφὴν γραψαμένοις ἐφ' ᾧ τε  
 καταπλεῖν εἰς Ἀθήνας, ἔπειτα κατάγειν τὴν ναῦν  
 εἰς ἕτερα ἐμπόρια, φάσκοντας ῥαγῆναι καὶ τοιαύτας  
 προφάσεις ποριζομένους, οἷαισπερ καὶ Διονυσό-  
 δωρος οὔτοσι χρῆται, καὶ τοὺς τόκους μερίζειν  
 πρὸς τὸν πλοῦν ὃν ἂν φήσωσι πεπλευκέναι, καὶ μὴ  
 πρὸς τὴν συγγραφὴν, οὐδὲν κωλύσει ἅπαντα τὰ  
 50 συμβόλαια διαλύεσθαι. τίς γὰρ ἐθελήσει τὰ ἑαυτοῦ  
 προέσθαι, ὅταν ὄρα τὰς μὲν συγγραφὰς ἀκύρους,  
 ἰσχύοντας δὲ τοὺς τοιούτους λόγους, καὶ τὰς αἰτίας  
 τῶν ἡδικηκότων ἔμπροσθεν οὔσας τοῦ δικαίου;

interest as far as Rhodes only, which they made no part of their contract, and to which we have not consented. Perhaps, men of Athens, if we were 47 trying the case in a Rhodian court, these men might get the better of us, seeing that they have taken grain to Rhodes and sailed in their ship into that port; as it is, however, since we have come before Athenians and our contract called for a voyage to your port, we hold it right that you should give no advantage to men who have wronged you as well as ourselves.

Besides this, men of Athens, you must not forget 48 that, while you are to-day deciding one case alone, you are fixing a law for the whole port, and that many of those engaged in overseas trade are standing here and watching you to see how you decide this question. For if you hold that contracts and agreements made between man and man are to be binding, and show no leniency towards those who transgress them, lenders will be more ready to risk their money, and the business of your port will be increased. But if 49 shipowners, after engaging in written contracts to sail to Athens, are to be permitted to put their ships into other ports, giving out that they have been disabled, or advancing other pretexts such as these of which Dionysodorus has availed himself, and to reduce the interest in proportion to the length of the voyage which they say they have made instead of paying it according to the agreement, there will be nothing to prevent the voiding of all contracts. For who is going to be willing to risk his money, 50 when he sees that written agreements are of no force, but that arguments such as these prevail and that the claims of wrongdoers take precedence over what

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μηδαμῶς, ὦ ἄνδρες δικασταί· οὔτε γὰρ τῷ πλήθει  
τῷ ὑμετέρῳ συμφέρει τοῦτο οὔτε τοῖς ἐργάζεσθαι  
προηρημένοις, οἷπερ χρησιμώτατοί εἰσι καὶ κοινῇ  
[1298] πᾶσιν ὑμῖν καὶ ἰδίᾳ τῷ ἐντυγχάνοντι. διόπερ δεῖ  
ὑμᾶς αὐτῶν ἐπιμέλειαν ποιεῖσθαι.

Ἐγὼ μὲν οὖν ὅσαπερ οἶός τ' ἦν εἶρηκα· ἀξιῶ δὲ  
καὶ τῶν φίλων μοί τινα συνειπεῖν.

Δεῦρο Δημόσθενες.

is right? Do not permit this, men of the jury, for it is not to the interest of the mass of your people any more than of those engaged in trade, who are a body of men most useful to your public at large and to the individuals who have dealings with them. For this reason you should be careful of their interests.

I, for my part, have said all that I could ; but I desire also to have one of my friends speak in my behalf.

Come forward, Demosthenes.



AGAINST EUBULIDES

## INTRODUCTION

EUXITHEUS, who delivers this speech, is appealing from the decision of the members of his deme, Halimus,<sup>a</sup> which had denied him the rights of citizenship and reduced him to the status of a resident alien. The speech is in reply to one delivered by Eubulides, the prefect of the deme, and is addressed to the Heliastic court in Athens. In cases of this sort, if the appellant lost his case, he might be sold as a slave.

Attic law recognized as citizens only those who were of pure Attic descent on both sides. A law of Solon's to this effect is cited in this oration, and we are told that it was re-enacted in 403 B.C. (see §§ 31 and 32); and we know of a purging of the lists in the time of Demosthenes in 346 B.C. This oration may with great probability be dated in 345 B.C., the year following this purge.

The speaker appears to prove quite convincingly that both of his parents were in full possession of civic rights, and that the proceedings in the assembly of the deme, when he was stricken off the list, were in the highest degree irregular. He explains his father's alleged foreign accent by stating that he had been taken prisoner and forced to live abroad

<sup>a</sup> Halimus, a deme of the tribe Leontis.



## AGAINST EUBULIDES

for a period of years, and declares that poverty alone had compelled his mother to assume the lowly occupation of nurse and vendor of ribbons.

The reader may consult Schaefer, iii. pp. 257 ff., and Blass, iii. pp. 485 ff.

## LVII

### ΕΦΕΣΙΣ ΠΡΟΣ ΕΥΒΟΥΛΙΔΗΝ

[1299] Πολλὰ καὶ ψευδῆ κατηγορηκότος ἡμῶν Εὐβου-  
λίδου, καὶ βλασφημίας οὔτε προσηκούσας οὔτε  
δικαίας πεποιημένου, πειράσομαι τάληθῆ καὶ τὰ  
δίκαια λέγων, ὧ ἄνδρες δικασταί, δεῖξαι καὶ μετὸν  
τῆς πόλεως ἡμῖν καὶ πεπονθότ' ἑμαυτὸν οὐχὶ  
προσήκονθ' ὑπὸ τούτου. δέομαι δ' ἀπάντων ὑμῶν,  
ὧ ἄνδρες δικασταί, καὶ ἱκετεύω καὶ ἀντιβολῶ,  
λογισαμένους τό τε μέγεθος τοῦ παρόντος ἀγῶνος,  
καὶ τὴν αἰσχύνην μεθ' ἧς ὑπάρχει τοῖς ἀλισκομένοις  
ἀπολωλέναι, ἀκοῦσαι καὶ ἐμοῦ σιωπῆ, μάλιστα  
μέν, εἰ δυνατόν, μετὰ πλείονος εὐνοίας ἢ τούτου  
(τοῖς γὰρ ἐν κινδύνῳ καθεστηκόσιν εἰκὸς εὐνοϊκω-  
τέρους ὑπάρχειν), εἰ δὲ μή, μετὰ τῆς γ' ἴσης.

<sup>2</sup> Συμβαίνει δέ μοι τὸ μὲν καθ' ὑμᾶς, ὧ ἄνδρες  
δικασταί, καὶ τὸ προσήκειν μοι τῆς πόλεως, θαρ-  
ρεῖν καὶ πολλὰς ἔχειν ἐλπίδας καλῶς ἀγωνιεῖσθαι,  
τὸν καιρὸν δὲ καὶ τὸ παρωξύνθαι τὴν πόλιν πρὸς  
τὰς ἀποψηφίσεις φοβεῖσθαι· πολλῶν γὰρ ἐξεληλα-  
μένων δικαίως ἐκ πάντων τῶν δήμων, συγκεκοι-

<sup>a</sup> It would appear that at the time when this speech was delivered there was much agitation in favour of a strict purge of the lists, and that the people had shown much passion in the procedure.

## LVII

### EUXITHEUS AGAINST EUBULIDES, AN APPEAL

SINCE Eubulides has brought many false charges against me, and has uttered slanders which are neither becoming nor just, I shall try, men of the jury, to prove by a true and fair statement that I am entitled to citizenship, and that I have been unworthily treated by this fellow. I beg you all, men of the jury, and implore and beseech you, that in view of the great importance of the present trial and the shame and ruin which conviction entails, you will hear me, as you have heard my opponent, in silence; indeed that you will listen to me with greater goodwill, if possible, than you have listened to him (for it is reasonable to suppose that you are more favourably disposed to those who stand in peril), but, if this cannot be, at least with equal goodwill.

But it so happens, men of the jury, that, although I am of good cheer so far as you are concerned and my right to citizenship and have good hopes of coming through this trial well, yet the occasion alarms me and the temper shown by the state when it has to deal with cases of disfranchisement<sup>a</sup>; for while many have with justice been expelled from all the demes, we who

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νωνήκαμεν τῆς δόξης ταύτης οἱ κατεστασιασμένοι,  
 καὶ πρὸς τὴν κατ' ἐκείνων αἰτίαν, οὐ πρὸς τὸ καθ'  
 αὐτὸν ἕκαστος ἀγωνιζόμεθα, ὥστ' ἐξ ἀνάγκης  
 3 μέγαν ἡμῖν εἶναι τὸν φόβον. οὐ μὴν ἀλλά, καίπερ  
 τούτων οὕτως ἐχόντων, ἃ νομίζω περὶ τούτων  
 [1300] αὐτῶν πρῶτον εἶναι δίκαι' ἐρῶ πρὸς ὑμᾶς. ἐγὼ  
 γὰρ οἶμαι δεῖν ὑμᾶς τοῖς μὲν ἐξελεγχόμενοις ξένοις  
 οὖσιν χαλεπαίνειν, εἰ μήτε πείσαντες μήτε δεη-  
 θέντες ὑμῶν λάθρα καὶ βία τῶν ὑμετέρων ἱερῶν  
 καὶ κοινῶν μετεῖχον, τοῖς δ' ἡτυχηκόσι καὶ δει-  
 κνύουσι πολίτας ὄντας αὐτοὺς βοηθεῖν καὶ σώζειν,  
 ἐνθυμουμένους ὅτι πάντων οἰκτρότατον πάθος ἡμῖν  
 ἂν συμβαίῃ τοῖς ἡδίκημένοις, εἰ τῶν λαμβανόντων  
 δίκην ὄντες ἂν δικαίως μεθ' ὑμῶν, ἐν τοῖς διδοῦσι  
 γενοίμεθα καὶ συναδικηθείημεν διὰ τὴν τοῦ πράγ-  
 ματος ὀργήν.

4 "Ὡμην μὲν οὖν ἔγωγ', ὧ ἄνδρες δικασταί, προσή-  
 κειν Εὐβουλίδῃ, καὶ πᾶσι δ' ὅσοι νῦν ἐπὶ ταῖς ἀπο-  
 ψηφίσεσιν κατηγοροῦσιν, ὅσ' ἴσασι ἀκριβῶς λέγειν  
 καὶ μηδεμίαν προσάγειν ἀκοὴν πρὸς τὸν τοιοῦτον  
 ἀγῶνα. οὕτω γὰρ τοῦτ' ἄδικον καὶ σφόδρα πάλαι  
 κέκριται, ὥστε οὐδὲ μαρτυρεῖν ἀκοὴν ἐῷσιν οἱ  
 νόμοι, οὐδ' ἐπὶ τοῖς πάνυ φαύλοις ἐγκλήμασι,  
 εἰκότως· ὅπου γὰρ εἰδέναί τινες ἤδη φήσαντες  
 ψευδεῖς ἐφάνησαν, πῶς ἄ γε μηδ' αὐτὸς οἶδ' ὁ

## AGAINST EUBULIDES, 2-4

have been the victims of political rivalry are involved in the prejudice felt toward them and have to combat the charge brought against them, and not merely defend each his own case ; so that our alarm is necessarily great. Nevertheless, despite these disadvantages, I shall at once tell you what I hold to be right and just about these very matters. In my opinion it is your duty to treat with severity those who are proved to be aliens, who without having either won your consent or asked for it, have by stealth and violence come to participate in your religious rites and your common privileges, but to bring help and deliverance to those who have met with misfortune and can prove that they are citizens ; for you should consider how pitiful above all others would be the plight of us whose rights have been denied, if, when we might properly sit with you as those exacting the penalty, we should be numbered with those who pay it, and should unjustly be condemned along with them because of the passion which the subject arouses.

I should have thought, men of the jury, that it was fitting for Eubulides, and for all those who are now making accusations in cases of disfranchisement, to state only things of which they have accurate knowledge and to bring forward no hearsay evidence in a trial of this sort. Such a procedure has from time immemorial been recognized as so clearly unjust that the laws do not admit the production of hearsay testimony even in the case of the most trifling charges ; and with good reason ; for when persons who claim to have sure knowledge have ere now been convicted of falsehood, how can it be right to give credence in matters regarding which even the

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- 5 λέγων προσήκει πιστεύεσθαι; ἀλλὰ μὴν ὅπου γε μῆδ' ὑπεύθυνον καθιστάνθ' ἑαυτὸν ἕξεστιν, δι' ὧν ἂν ἀκούσαι τις φῆ, βλάπτειν μηδένα, πῶς ἀνυπευθύνῳ γε λέγοντι προσήκει πιστεύειν ὑμᾶς; ἐπειδὴ τοίνυν οὗτος εἰδὼς τοὺς νόμους καὶ μᾶλλον ἢ προσῆκεν, ἀδίκως καὶ πλεονεκτικῶς τὴν κατηγορίαν πεποιήται, ἀναγκαῖον ἔμοι περι ὧν ἐν τοῖς
- 6 δημόταις ὑβρίσθην πρῶτον εἰπεῖν. ἀξιῶ δ', ὦ ἄνδρες Ἀθηναῖοι, μηδέπω τὴν τῶν δημοτῶν ἀποψήφισιν ποιεῖσθαι τεκμήριον ὑμᾶς, ὡς ἄρ' οὐχὶ
- [1301] προσήκει μοι τῆς πόλεως· εἰ γὰρ πάντ' ἐνομίζετε τὰ δίκαια δυνήσεσθαι τοὺς δημότας διακρίναι, οὐκ ἂν ἐδώκατε τὴν εἰς ὑμᾶς ἕφεσιν· νῦν δὲ καὶ διὰ φιλονικίαν καὶ διὰ φθόνον καὶ δι' ἔχθραν καὶ δι' ἄλλας προφάσεις ἕσεσθαι τι τοιοῦτον ἡγούμενοι, τὴν εἰς ὑμᾶς τοῖς ἀδικηθεῖσιν ἐποιήσατε καταφυγὴν, δι' ἣν καλῶς ποιοῦντες, ὦ ἄνδρες Ἀθηναῖοι,
- 7 τοὺς ἡδίκημένους ἅπαντας σεσώκατε. πρῶτον μὲν οὖν ὃν τρόπον ἐν τοῖς δημόταις συνέβη τὴν ἀποψήφισιν γενέσθαι, φράσω πρὸς ὑμᾶς· τὸ γὰρ εἰς αὐτὸ τὸ πρᾶγμα πάντα λέγειν τοῦτ' ἔγωγ' ὑπολαμβάνω, ὅσα τις παρὰ τὸ ψήφισμα πέπονθ' ἀδίκως καταστασιασθεῖς ἐπιδείξει.
- 8 Εὐβουλίδης γὰρ οὗτος, ὦ ἄνδρες Ἀθηναῖοι, ὡς ὑμῶν ἴσασι πολλοί, γραψάμενος ἀσεβείας τὴν ἀδελφὴν τὴν Λακεδαιμονίου, τὸ πέμπτον μέρος τῶν ψήφων οὐ μετέλαβεν. ὅτι δὴ ἐν ἐκείνῳ τῷ ἀγῶνι τὰ δίκαια, τούτῳ δὲ τὰναντί' ἐμαρτύρησα, διὰ ταύτην τὴν ἔχθραν ἐπιτίθεται μοι. καὶ βουλευῶν, ὦ

<sup>a</sup> See note a on p. 50 of vol. i.

## AGAINST EUBULIDES, 5-8

speaker himself has no knowledge? And when it 5  
is not permitted a man, even when he makes himself  
responsible, to harm another by evidence which he  
declares he has heard, how can it be right for you  
to give credence to one who speaks without responsi-  
bility? Since, then, this fellow, who knows the laws,  
and knows them all too well, has made his charges  
with injustice and with a view to selfish advantage,  
I must first tell you of the outrageous treatment  
which I received among my fellow-demesmen. I beg 6  
of you, men of Athens, not until I have been heard,  
to take my rejection by the demesmen as a proof  
that I am not entitled to citizenship, for if you  
thought that the demesmen would be able to decide  
all cases with perfect justice, you would not have  
allowed the appeal to yourselves. As it is, how-  
ever, because you thought that something of this  
sort might occur through rivalry and malice and  
enmity or through some other pretexts, you made  
your court a place of refuge for those who have  
been wronged, and through this right action on  
your part, men of Athens, you have saved all those  
who have suffered wrong. First, then, I will explain 7  
to you how the purging of the list came to be made  
at the meeting of the demesmen; for I think it is  
relevant to the case before you if one shows all the  
wrongs that one has suffered contrary to your decree,  
when overwhelmed by political rivalry.

This man Eubulides, men of Athens, as many of 8  
you know, indicted the sister of Lacedaemonius for  
impiety, but did not receive a fifth part of the votes.<sup>a</sup>  
It is because in that trial I gave testimony that was  
true but unfavourable to him that he hates me and  
makes me the object of his attacks. Being a member of

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ἄνδρες δικασταί, καὶ κύριος ὢν τοῦ θ' ὄρκου καὶ  
 τῶν γραμμάτων ἐξ ὧν ἀνεκάλει τοὺς δημότας, τί  
 9 ποιεῖ; πρῶτον μὲν, ἐπειδὴ συνελέγησαν οἱ δη-  
 μόται, κατέτριψε τὴν ἡμέραν δημηγορῶν καὶ  
 ψηφίσματα γράφων. τοῦτο δ' ἦν οὐκ ἀπὸ ταυτο-  
 μάτου, ἀλλ' ἐπιβουλεύων ἐμοί, ὅπως ὡς ὀψιαίταθ'  
 ἢ διαψηφίσις ἢ περὶ ἐμοῦ γένοιτο· καὶ διεπράξατο  
 τοῦτο. καὶ τῶν μὲν δημοτῶν οἱ ὁμόσαντες ἐγενό-  
 μεθα τρεῖς καὶ ἐβδομήκοντα, ἡρξάμεθα δὲ τοῦ  
 διαψηφίζεσθαι δειλῆς ὀψίας, ὥστε συνέβη, ἥνίκα  
 10 τοῦμὸν ὄνομ' ἐκαλεῖτο, σκότος εἶναι ἤδη· καὶ γὰρ  
 [1302] ἦν περὶ ἐξήκοστόν, καὶ ἐκλήθη ὕστατος ἀπάντων  
 τῶν ἐν ἐκείνῃ τῇ ἡμέρᾳ κληθέντων, ἥνίκα οἱ μὲν  
 πρεσβύτεροι τῶν δημοτῶν ἀπεληλύθεσαν εἰς τοὺς  
 ἀγρούς· τοῦ γὰρ δήμου ἡμῖν, ὧ ἄνδρες δικασταί,  
 πέντε καὶ τριάκοντα στάδια τοῦ ἄστεως ἀπέχοντος,  
 καὶ τῶν πλείστων ἐκεῖ οἰκούντων, ἀπεληλύθεσαν οἱ  
 πολλοί· οἱ δὲ κατάλοιποι ἦσαν οὐ πλείους ἢ τριά-  
 κοντα. ἐν δὲ τούτοις ἦσαν ἅπαντες οἱ τούτῳ  
 11 παρεσκευασμένοι. ἐπειδὴ δ' ἐκλήθη τοῦμὸν ὄνομα,  
 ἀναπηδήσας οὗτος ἐβλασφήμει κατ' ἐμοῦ ταχὺ καὶ  
 πολλὰ καὶ μεγάλη τῇ φωνῇ, ὥσπερ καὶ νῦν, μάρ-  
 τυρα μὲν ὢν κατηγορήσεν οὐδένα παρασχόμενος  
 οὔτε τῶν δημοτῶν οὔτε τῶν ἄλλων πολιτῶν, παρ-  
 12 ἐκελεύετο δὲ τοῖς δημόταις ἀποψηφίζεσθαι. ἀξιούν-  
 τος δέ μου ἀναβαλέσθαι εἰς τὴν ὕστεραίαν, διὰ τε  
 τὴν ὤραν καὶ τὸ μηδένα μοι παρέιναι τό τε πρᾶγμ'  
 ἄφνω προσπεπτωκέναι, ἵνα τούτῳ τ' ἐξουσία γέ-  
 νοιθ' ὅποσα βούλοιο κατηγορῆσαι καὶ μάρτυρας εἶ

<sup>a</sup> About four miles.



## AGAINST EUBULIDES, 8-12

the senate, men of the jury, with power to administer the oath and being custodian of the documents on the basis of which he convened the demesmen, what does he do? In the first place, after the demesmen 9 had assembled, he wasted the whole day in making speeches and in drawing up resolutions. This was not done by accident, but was a part of his plot against me, in order that the vote regarding me might take place as late in the day as possible; and he accomplished this end. Those of us members of the deme who took the oath numbered seventy-three, and we began voting late in the evening, with the result that, when my name was called, it was already dark; for my name was about the sixtieth, 10 and I was the last of all those called on that day, when the older members of the deme had gone back to their farms. For since our deme is distant thirty-five stades<sup>a</sup> from the city and most of the demesmen live there, the majority of them had gone home; those who remained were not more than thirty in number; among them, however, were all those suborned by Eubulides. When my name was called, 11 the fellow jumped up and immediately began to vilify me, speaking at great length and with a loud voice, as he did just now. He produced no witnesses in support of his charges, either a member of the deme or one of the citizens at large, but urged the demesmen to pass a vote of expulsion. I demanded 12 that the vote be put off until the following day on account of the lateness of the hour and because I had no one present to speak in my behalf, and because the thing had come upon me so suddenly, and also that Eubulides might have the opportunity of making any charges that he pleased, and of pro-

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- τινας ἔχοι παρασχέσθαι, ἐμοί τ' ἐκγένοιτ' ἀπολογήσασθαι ἐν ἅπασι τοῖς δημόταις καὶ τοὺς οἰκείους μάρτυρας παρασχέσθαι· καὶ ὃ τι γνοίησαν
- 13 *περὶ ἐμοῦ, τούτοις ἤθελον ἐμμένειν· οὗτος ὦν μὲν ἐγὼ προῦκαλούμην οὐδὲν ἐφρόντισε, τὴν δὲ ψῆφον εὐθύς ἐδίδου τοῖς παροῦσι τῶν δημοτῶν, οὗτ' ἀπολογία ἐμοὶ δούς οὐδεμίαν οὗτ' ἔλεγχον οὐδέν' ἀκριβῆ ποιήσας. οἱ δὲ τούτῳ συνεστῶτες ἀναπηδήσαντες ἐψηφίζοντο. καὶ ἦν μὲν σκότος, οἱ δὲ λαμβάνοντες δύο καὶ τρεῖς ψήφους ἕκαστος παρὰ τούτου ἐνέβαλλον εἰς τὸν καδίσκον. σημεῖον δέ· οἱ μὲν γὰρ ψηφισάμενοι οὐ πλείους ἢ τριάκοντ' ἦσαν,*
- [1303] *αἱ δὲ ψῆφοι ἠριθμήθησαν πλείους ἢ ἑξήκοντα, ὥστε πάντα ἡμᾶς ἐκπλαγῆναι.*
- 14 *Καὶ ταῦθ' ὡς ἀληθῆ λέγω, καὶ ὅτι οὗτ' ἐδόθη ἡ ψῆφος ἐν ἅπασι πλείους τ' ἐγένοντο τῶν ἐψηφισμένων, μάρτυρας ὑμῖν παρέξομαι. συμβαίνει δέ μοι περὶ τούτων τῶν μὲν φίλων ἢ τῶν ἄλλων Ἀθηναίων μηδένα μάρτυρα παρέinari, διὰ τε τὴν ὥραν καὶ διὰ τὸ μηδένα παρακαλέσαι, αὐτοῖς δὲ τοῖς ἡδικηκόσι με χρῆσθαι μάρτυσιν. ἂ οὖν οὐ δυνήσονται ἔξαρνοι γενέσθαι, ταῦτα γέγραφ' αὐτοῖς.*
- Λέγε.

### ΜΑΡΤΥΡΙΑ

- 15 *Εἰ μὲν τοίνυν, ὦ ἄνδρες δικασταί, συνέβαινε τοῖς Ἀλιμουσίοις περὶ ἀπάντων τῶν δημοτῶν διαψηφίσασθαι ἐν ἐκείνῃ τῇ ἡμέρᾳ, εἰκὸς ἦν καὶ εἰς ὄψε*
- 240

## AGAINST EUBULIDES, 12-15

ducing any witnesses he might have, while I on my part might be able to defend myself before all my fellow-demesmen and to produce my relatives as witnesses; and I agreed to abide by whatever decision they might reach concerning me. The fellow, <sup>13</sup> however, paid no heed at all to my proposals, but proceeded at once to give ballots to the members of the deme who were present, without allowing me to make any defence or himself giving any convincing proof of his charges. Those who were in league with him then jumped up and gave their votes. It was dark, and they received from him two or three ballots apiece, and put them in the box. Here is a proof of this. Those who voted were not more than thirty in number, but the ballots, when counted, were more than sixty; so that we were all astounded.

To prove that I am stating the truth in this— <sup>14</sup> that the ballots were not given out when all were present and that the ballots outnumbered those who voted—I will bring before you witnesses. It happens that I have at hand no friend of my own or any other Athenian to be my witness regarding these facts since the hour was so late and I had not asked anyone to be present, but I am forced to call as witnesses the very men who have wronged me. I have therefore put in writing for them statements which they will not be able to deny.

*(To the clerk.)* Read.

### THE DEPOSITION

Now, men of the jury, if the Halimusians had <sup>15</sup> been deciding on that day the status of all the members of the deme, it would have been reasonable for them to continue voting until late, in order

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ψηφίζεσθαι, ἔν' ἀπηλλαγμένοι ἦσαν ποιήσαντες τὰ ὑμῖν ἐψηφισμένα. εἰ δὲ πλείους ἢ εἴκοσιν ὑπολοιποὶ ἦσαν τῶν δημοτῶν, περὶ ὧν ἔδει τῇ ὑστεραία διαψηφίσασθαι, καὶ ὁμοίως ἦν ἀνάγκη συλλέγεσθαι τοὺς δημότας, τί ποτ' ἦν τὸ δυσχερὲς Εὐβουλίδῃ, ἀναβαλέσθαι εἰς τὴν ὑστεραίαν καὶ περὶ ἐμοῦ πρώτου τὴν ψῆφον διδόναι τοῖς δημόταις;

16 διότι, ὧ ἄνδρες δικασταί, οὐκ ἠγνόει Εὐβουλίδης, ὅτι εἰ λόγος ἀποδοθήσοιτο καὶ παραγένοντό μοι πάντες οἱ δημόται καὶ ἡ ψῆφος δικαίως δοθείη, οὐδαμοῦ γενήσονται οἱ μετὰ τούτου συνεστηκότες.

Ἔθεν δ' οὗτοι συνέστησαν, ταῦτ', ἐπειδὴν περὶ τοῦ γένους εἶπω, τότε, ἂν βούλησθ' ἀκούειν, ἐρῶ.

17 νῦν δὲ τί καὶ δίκαιον νομίζω καὶ τί παρεσκευάσμαι ποιεῖν, ἄνδρες δικασταί; δείξει πρὸς ὑμᾶς ἐμαντὸν Ἀθηναίων ὄντα καὶ τὰ πρὸς πατρὸς καὶ τὰ πρὸς μητρός, καὶ μάρτυρας τούτων, οὓς ὑμεῖς ἀληθεῖς

[1304] φήσεται εἶναι, παρασχέσθαι, τὰς δὲ λοιδορίας καὶ τὰς αἰτίας ἀνελεῖν· ὑμᾶς δ' ἀκούσαντας τούτων, εἴαν μὲν ὑμῖν πολίτης ὧν κατεστασιάσθαι δοκῶ, σώζειν, εἰ δὲ μή, πράττειν ὅποιον ἂν τι ὑμῖν εὐσεβὲς εἶναι δοκῇ. ἄρξομαι δ' ἐντεῦθεν.

18 Διαβεβλήκασι γάρ μου τὸν πατέρ', ὡς ἐξένιζεν καὶ ὅτι μὲν ἀλοὺς ὑπὸ τῶν πολεμίων ὑπὸ τὸν Δεκελεικὸν πόλεμον καὶ πραθεῖς εἰς Λευκάδα, Κλεάνδρῳ περιτυχῶν τῷ ὑποκριτῇ πρὸς τοὺς οἰ-

<sup>a</sup> The latter period of the Peloponnesian war, 413-404 B.C., is often called the Decelean war, because the Lacedaemonians, who had again invaded Attica, occupied the town of Decelea, not far from Athens, and maintained a garrison there.

<sup>b</sup> The modern Leukas, or Santa Maura, off the west coast of Acarnania.

## AGAINST EUBULIDES, 15-18

that they might have fulfilled the requirements of your decree before departing to their homes. But, seeing that there were more than twenty of the demesmen left regarding whom they had to vote on the following day, and that the members of the deme had in any case to be convened again, what difficulty was there for Eubulides to order an adjournment until the morrow, and then let the demesmen vote upon my case first? The reason was, men of the jury, that Eubulides knew very well that, if an opportunity of speaking should be granted me and if all the men of the deme should be present to support me and the ballots honestly given out, those who had leagued themselves with him would be nowhere! 16

How these people came to form their conspiracy against me I will tell you, if you wish to hear it, as soon as I shall have spoken about my parentage. In 17 the meantime what do I hold to be just, and what am I prepared to do, men of the jury? To show you that I am an Athenian on both my father's and my mother's side, and to produce to prove it witnesses whose veracity you will not question, and to break down the calumnies and the charges brought against me. It will rest with you, when you have heard my statements, if you conclude that I am a citizen and the victim of a conspiracy, to come to my rescue; but if you reach a different conclusion, to act in whatever way your regard for your oaths may bid you. I will begin with this proof.

They have maliciously asserted that my father 18 spoke with a foreign accent. But that he was taken prisoner by the enemy in the course of the Decelcan war<sup>a</sup> and was sold into slavery and taken to Leucas,<sup>b</sup> and that he there fell in with Cleander, the actor,

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κείους ἐσώθη δεῦρο πολλοστῶ χρόνῳ, παραλελοί-  
 πασιν, ὥσπερ δὲ δέον ἡμᾶς δι' ἐκείνας τὰς ἀτυχίας  
 19 ἀπολέσθαι, τὸ ξενίζειν αὐτοῦ κατηγορήκασιν. ἐγὼ  
 δ' ἐξ αὐτῶν τούτων μάλιστ' οἶμαι ὑμῖν ἐμαυτὸν  
 Ἀθηναῖον ὄντ' ἐπιδείξειν.

Καὶ πρῶτον μὲν ὡς ἐάλω καὶ ἐσώθη, μάρτυρας  
 ὑμῖν παρέξομαι, ἔπειθ' ὅτι ἀφικόμενος τῆς οὐσίας  
 παρὰ τῶν θείων τὸ μέρος μετέλαβεν, εἶθ' ὅτι οὔτ'  
 ἐν τοῖς δημόταις οὔτ' ἐν τοῖς φράτερσιν οὔτ' ἄλλοθι  
 οὐδαμοῦ τὸν ξενίζοντ' οὐδεὶς πώποτ' ἠτιάσαθ' ὡς  
 εἴη ξένος.

Καί μοι λαβὲ τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

20 Περὶ μὲν τοίνυν τῆς ἀλώσεως καὶ τῆς σωτηρίας,  
 ἦν συνέβη γενέσθαι τῷ πατρὶ δεῦρ', ἀκηκόατε. ὡς  
 δ' ὑμέτερος ἦν πολίτης, ὧ ἄνδρες δικασταί (τὸ  
 γὰρ ὄν καὶ ἀληθὲς οὕτως ὑπάρχει), μάρτυρας καλῶ  
 τοὺς ζῶντας ὑμῖν τῶν συγγενῶν τῶν πρὸς πατρός.

Κάλει δὴ μοι πρῶτον μὲν Θουκριτίδην καὶ Χαρι-  
 σιάδην· ὁ γὰρ τούτων πατὴρ Χαρίσιος ἀδελφὸς ἦν  
 τοῦ πάππου τοῦμοῦ Θουκριτίδου καὶ Λυσαρέτης  
 τῆς ἐμῆς τήθης, θεῖος δὲ τοῦ πατρὸς τοῦμοῦ  
 (ἀδελφὴν γὰρ ὁ πάππος οὐμὸς ἔγημεν οὐχ ὁμομη-  
 21 τρία). ἔπειτα Νικιάδην· καὶ γὰρ ὁ τούτου πατὴρ  
 [1305] Λυσανίας ἀδελφὸς ἦν τοῦ Θουκριτίδου καὶ τῆς  
 Λυσαρέτης, θεῖος δὲ τοῦ πατρὸς τοῦμοῦ· ἔπειτα

<sup>a</sup> Such marriages were permissible under Athenian law.

and was brought back here to his kinsfolk after a long lapse of time—all this they have omitted to state ; but just as though it were right that I should be brought to ruin on account of his misfortunes, they have made his foreign accent the basis of a charge against him. On my part, however, I think 19 that these very facts will more than anything else help me to demonstrate that I am an Athenian.

In the first place, to prove that my father was taken prisoner and was ransomed, I will bring witnesses before you ; then, that when he reached home he received from his uncles his share of the property ; and furthermore, that neither among the members of the deme nor among those of the clan nor anywhere else did anyone ever accuse him (despite his foreign accent) with being a foreigner.

(*To the clerk.*) Please take the depositions.

#### THE DEPOSITIONS

You have heard, then, of my father's being taken 20 prisoner by the enemy and of the good fortune which brought him back here. To prove now that he was your fellow-citizen, men of the jury (for this you may depend upon as being the veritable truth), I will call as witnesses those of my relatives on my father's side who are still living.

(*To the clerk.*) Call first, please, Thucritides and Charisiades ; for their father Charisius was brother to my grandfather Thucritides and my grandmother Lysaretê, and uncle to my father (for my father had married his sister born of a different mother).<sup>a</sup> Next, 21 call Niciades ; for his father Lysanias was brother to Thucritides and Lysaretê, and uncle to my father.

## DEMOSTHENES

Νικόστρατον· καὶ γὰρ ὁ τούτου πατήρ ὁ Νικιάδης ἀδελφιδοῦς ἦν τῷ πάππῳ τῷ ἐμῷ καὶ τῇ τήθῃ, ἀνεψιὸς δὲ τῷ πατρί.

Καί μοι κάλει τούτους πάντας. σὺ δ' ἐπίλαβε τὸ ὕδωρ.

### ΜΑΡΤΥΡΕΣ

22 Τῶν μὲν τοίνυν πρὸς ἀνδρῶν τῷ πατρὶ συγγενῶν ἀκηκόατ', ὧ ἄνδρες Ἀθηναῖοι, καὶ μαρτυρούντων καὶ διομνυμένων Ἀθηναίων εἶναι καὶ συγγενῆ τὸν ἐμὸν πατέρ' αὐτοῖς· ὧν οὐδεὶς δήπου, παραστησάμενος τοὺς συνεισομένους αὐτῷ τὰ ψευδῆ μαρτυροῦντι, κατ' ἐξωλείας ἐπιорκεῖ.

Λαβὲ δὴ καὶ τὰς τῶν πρὸς γυναικῶν τῷ πατρὶ συγγενῶν μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

23 Οἱ μὲν τοίνυν ζῶντες οὗτοι τῶν συγγενῶν τοῦ πατρὸς καὶ πρὸς ἀνδρῶν καὶ πρὸς γυναικῶν μεμαρτυρήκασιν, ὡς ἦν ἀμφοτέρωθεν Ἀθηναῖος καὶ μετῆν τῆς πόλεως αὐτῷ δικαίως.

Κάλει δὴ μοι καὶ τοὺς φράτερας, ἔπειτα τοὺς γεννήτας.

### ΜΑΡΤΥΡΕΣ

Λαβὲ δὴ καὶ τὰς τῶν δημοτῶν μαρτυρίας, καὶ τὰς τῶν συγγενῶν περὶ τῶν φρατέρων, ὡς εἴλοντό με φρατρίαρχον.

### ΜΑΡΤΥΡΙΑΙ

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<sup>a</sup> In the early period, before the reforms of Cleisthenes (509 B.C.), the four tribes into which the Athenians were at that time divided contained each three phratriae, or clans, and these in turn were divided into thirty γένη. Even after



## AGAINST EUBULIDES, 21-23

After him, call Nicostratus; for his father Niciades was nephew to my grandfather and my grandmother, and cousin to my father.

(*To the clerk.*) Call all these persons, please. And (*to an attendant*) do you check the water.

### THE WITNESSES

You have heard, men of Athens, the relatives of <sup>22</sup> my father on the male side both deposing and swearing that my father was an Athenian and their own kinsman. And surely not one of them would commit perjury with imprecations on his own head in the presence of those who would know that he was forswearing himself.

(*To the clerk.*) Now take also the depositions of those related to my father on the female side.

### THE DEPOSITIONS

These persons, then, the surviving relatives of my <sup>23</sup> father, on both the male and the female side, have testified that he was on both sides an Athenian and justly entitled to the rights of citizenship.

(*To the clerk.*) Now call, please, the clansmen and thereafter the members of the *gens*.<sup>a</sup>

### THE WITNESSES

Now take the depositions of the demesmen and the members of the *gens* in regard to the clansmen, to show that they elected me president of the clan.

### THE DEPOSITIONS

Cleisthenes the *phratriae* and *γένη* retained a position of religious, if no longer political, significance. To render *γένος* in this sense we have perhaps no better word than the Latin *gens*.

## DEMOSTHENES

24 Τὰ μὲν τοίνυν ὑπὸ τῶν συγγενῶν καὶ φρατέρων καὶ δημοτῶν καὶ γεννητῶν, ὧν προσήκει, μαρτυρούμεν' ἀκηκόατε. ἐξ ὧν ἔστιν ὑμῖν εἰδέναί, πότερόν ποτ' ἀστός ἢ ξένος ἦν ᾧ ταῦθ' ὑπῆρχεν. καὶ γὰρ εἰ μὲν εἰς ἓν ἢ δὺ' ἀνθρώπους κατεφεύγομεν, εἴχομεν ἄν τιν' ὑποψίαν παρεσκευάσθαι τούτους· εἰ δ' ἐν ἅπασιν, ὅσοισπερ ἕκαστος ὑμῶν, [1306] ἐξητασμένος φαίνεται καὶ ζῶν ὁ πατήρ καὶ νῦν ἐγώ, λέγω φράτερσι, συγγενέσιν, δημόταις, γεννήταις, πῶς ἔνεστιν ἢ πῶς δυνατόν τούτους ἅπαντας 25 μὴ μετ' ἀληθείας ὑπάρχοντας κατεσκευάσθαι; εἰ μὲν τοίνυν εὖπορος ὧν ὁ πατήρ χρήματα δούς τούτοις ἐφαίνετο πείσας συγγενεῖς αὐτοὺς ἑαυτοῦ φάσκειν εἶναι, λόγον εἶχεν ὑποψίαν ἄν τιν' ἔχειν ὡς οὐκ ἦν ἀστός· εἰ δὲ πένης ὧν ἅμα συγγενεῖς τε παρείχετο τοὺς αὐτούς, καὶ μεταδιδόντας τῶν ὄντων ἐπεδείκνυε, πῶς οὐκ εὐδηλον, ὅτι τῇ ἀληθείᾳ προσῆκε τούτοις; οὐ γὰρ ἂν δήπου, εἴ γε μηδενὶ ἦν οἰκείος, χρήματ' αὐτῷ προστιθέντες οὗτοι τοῦ γένους μετεδίδοσαν. ἀλλ' ἦν, ὡς τό τ' ἔργον ἐδήλωσε καὶ ὑμῖν μεμαρτύρηται. ἔτι τοίνυν ἀρχὰς ἔλαχεν καὶ ἠρξεν δοκιμασθεῖς.

Καί μοι λαβὲ τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

26 Οἶεταί τις οὖν ὑμῶν ἐᾶσαί ποτ' ἂν τοὺς δημότας  
218

## AGAINST EUBULIDES, 24-26

You have heard, then, the testimony given by my 24 relatives and fellow-clansmen and by the members of the deme and of the *gens*, who are the proper persons to be called upon to testify. And from this you may learn whether a man who has this support is a citizen or an alien. If we were seeking protection in the testimony of one or two people only, we might be open to the suspicion that we had suborned them; but if it appears that my father in his lifetime and I myself at present have been put to the test before all the groups to which each one of you belongs (I mean those of clan, of kindred, of the deme, and of the *gens*), how can it be, how can it possibly be, that all these persons have been suborned to appear, they not being in truth relatives of mine? If it were shown that my father was a man 25 of wealth and had given money to these people to persuade them to assert that they were his relatives, it would have been reasonable for anyone to suspect that he was not a citizen; but if, poor as he was, he both produced these same people as his relatives and proved that they had shared their property with him, is it not perfectly clear that he was indeed related to them? For surely, if he was related to no one of them, they would not have admitted him to a place in the *gens* and have given him money besides. No; he was related to them, as the facts have shown, and as witnesses have testified to you. And furthermore, he was chosen to offices by lot, and he passed the probationary test, and held office.

(*To the clerk.*) Take the deposition, please.

### THE DEPOSITION

Now does any one of you imagine that the demes- 26

## DEMOSTHENES

ἐκείνον τὸν ξένον καὶ μὴ πολίτην ἄρχειν παρ' αὐτοῖς, ἀλλ' οὐκ ἂν κατηγορεῖν; οὐ τοίνυν κατηγορήσεν οὐδὲ εἰς οὐδ' ἠτιάσατο. ἀλλὰ μὴν καὶ διαψηφίσαις ἐξ ἀνάγκης ἐγένοντο τοῖς δημόταις ὁμόσασσι καθ' ἱερῶν, ὅτ' ἀπώλετ' αὐτοῖς τὸ ληξιαρχικὸν γραμματεῖον δημαρχοῦντος Ἀντιφίλου τοῦ πατρὸς τοῦ Εὐβουλίδου, καὶ τινες ἀπήλασαν αὐτῶν· περὶ ἐκείνου δ' οὐδεὶς οὔτ' εἶπεν οὔτ' ἠτιάσατο  
 27 τοιοῦτον οὐδέν. καίτοι πᾶσιν ἔστιν ἀνθρώποις τέλος τοῦ βίου θάνατος, καὶ περὶ ὧν μὲν ἂν τις ζῶν αἰτίαν σχῆ, δίκαιον τοὺς παῖδας τὴν ἀειλογίαν παρέχειν· περὶ ὧν δ' ἂν μηδεὶς αὐτὸν ζῶντα καταιτιάσῃται, πῶς οὐ δεινὸν εἰ τοὺς παῖδας ὁ  
 [1307] βουλόμενος κρινεῖ; εἰ μὲν τοίνυν περὶ τούτων μηδεὶς λόγος ἐξητάσθη, δῶμεν τοῦτο λεληθέναι· εἰ δ' ἐδόθη καὶ διεψηφίσαντο καὶ μηδὲν ἠτιάσατο πώποτε μηδεὶς, πῶς οὐ δικαίως ἂν ἐγὼ κατ' ἐκείνον Ἀθηναῖος εἶην, τὸν τελευτήσαντα πρὶν ἀμφισβητηθῆναι τοῦ γένους αὐτῶ;  
 Ὡς δὴ ταῦτ' ἀληθῆ λέγω, καλῶ καὶ τούτων μάρτυρας.

### ΜΑΡΤΥΡΕΣ

28 Ἔτι τοίνυν παίδων αὐτῶ τεττάρων γενομένων ὁμομητρίων ἐμοὶ καὶ τελευτησάντων, ἔθαψε τούτους εἰς τὰ πατρῶα μνήματα, ὧν ὅσοι ἐρ εἰσι τοῦ γένους κοινωνοῦσιν· καὶ τούτων οὐδεὶς οὐκ ἀπέειπε

<sup>a</sup> The same phrase occurs in Oration XVIII § 97, with *πέρας* for *τέλος*.

men would have suffered the alien and non-citizen to hold office among them, and would not have prosecuted him? Well, not a single man prosecuted him, or brought any charge against him. More than that, the demesmen had of necessity to vote on one another, after binding themselves by solemn oaths, when their voting-register was lost during the administration as prefect of the deme of Antiphilus, the father of Eubulides, and they expelled some of their members; but not a man made any motion about my father or brought any such charges against him. Yet for all men the end <sup>27</sup> of life is death<sup>a</sup>; and with whatsoever wrongdoings a man may be charged during his lifetime, it is right that for these his children should forever be held accountable; but in matters concerning which no man ever made accusation against him while he lived, is it not outrageous that anyone so wishing should bring his children to trial? If, now, there had been no inquiry into the question, let us grant that the matter has escaped notice; but if inquiry was made and the demesmen reviewed their lists, and no one ever made any accusation, ought I not justly to be regarded as an Athenian so far as my father is concerned, seeing that he died before any dispute regarding his lineage arose?

To prove that these statements of mine are true, I will call witnesses who depose to these facts also.

#### THE WITNESSES

Furthermore, my father had four sons born of the <sup>28</sup> same mother as myself, and when they died he buried them in our ancestral tomb, which belongs in common to all members of the *gens*; and no one

## DEMOSTHENES

πώποτ', οὐκ ἐκώλυσεν, οὐ δίκην ἔλαχεν. καίτοι τίς ἔστιν ὅστις ἂν εἰς τὰ πατρῶα μνήματα τοὺς μηδὲν ἐν γένει τιθέναι εἴασεν;

Ὡς τοίνυν καὶ ταῦτ' ἀληθῆ λέγω, λαβὲ τὴν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

29 Περὶ μὲν τοίνυν τοῦ πατρός, ὡς Ἀθηναῖος ἦν, ταῦτ' ἔχω λέγειν, καὶ μάρτυρας παρέσχημαι τοὺς ὑπ' αὐτῶν τούτων ἐψηφισμένους εἶναι πολίτας, μαρτυροῦντας ἐκείνον ἑαυτοῖς ἀνεψιὸν εἶναι. φαίνεται δὲ βιοὺς ἔτη τόσα καὶ τόσ' ἐνθάδε, καὶ οὐδαμοῦ πώποθ' ὡς ξένος ἐξετασθεῖς, ἀλλὰ πρὸς τούτους ὄντας συγγενεῖς καταφεύγων, οὗτοι δὲ καὶ προσδεχόμενοι καὶ τῆς οὐσίας μεταδιδόντες ὡς  
30 αὐτῶν ἐνί. τοῖς χρόνοις τοίνυν οὕτω φαίνεται γεγονώς, ὥστ' εἰ καὶ κατὰ θάτερον ἀστὸς ἦν, εἶναι πολίτην προσήκειν αὐτόν· γέγονεν γὰρ πρὸ Εὐκλείδου.

Περὶ δὲ τῆς μητρὸς (καὶ γὰρ ταύτην διαβεβλήκασί μου) λέξω, καὶ μάρτυρας ὧν ἂν λέγω καλῶ.  
[1308] καίτοι, ὧ ἄνδρες Ἀθηναῖοι, οὐ μόνον παρὰ τὸ ψήφισμα τὰ περὶ τὴν ἀγορὰν διέβαλλεν ἡμᾶς Εὐβουλίδης, ἀλλὰ καὶ παρὰ τοὺς νόμους, οἱ κελεύουσιν ἔνοχον εἶναι τῇ κακῆγορίᾳ τὸν τὴν ἐργασίαν τὴν ἐν τῇ ἀγορᾷ τῶν πολιτῶν ἢ τῶν πολιτίδων  
31 ὄνειδίζοντά τι. ἡμεῖς δ' ὁμολογοῦμεν καὶ ταινίας πωλεῖν καὶ ζῆν οὐχ ὄντινα τρόπον βουλόμεθα. καὶ

<sup>a</sup> In the archonship of Eucleides in 403 B.C., on the motion of Aristophon, an old law of Solon's was revived and put into effect, which declared that, in order to possess full civic rights, a man must be born of parents both of whom were Athenians. The law naturally was not retroactive.

## AGAINST EUBULIDES, 28-31

of these kinsfolk ever made protest or prevented it or brought suit. And yet, who is there who would have permitted persons having no connexion with the family to be placed in the ancestral tomb ?

To prove that these statements of mine also are true, (*to the clerk*) take the deposition.

### THE DEPOSITION

With regard to my father, then, these are the 29 grounds for my assertion that he was an Athenian ; and I have brought forward as witnesses persons whom my opponents themselves have voted to be citizens, and who depose that my father was their own cousin. It is shown that he lived such and such a number of years here in Attica and that he was never in any place brought under scrutiny as being an alien, but that he found a refuge with these persons as his relatives, and that they both received him and gave him a share of their property as being one of themselves. Again, it is shown that he was 30 born in a period when, even if he was an Athenian on one side only, he was entitled to citizenship ; for he was born before the archonship of Eucleides.<sup>a</sup>

With regard to my mother (for they make her too a reproach against me) I will speak, and will call witnesses to support my statements. And yet, men of Athens, in reproaching us with service in the market Eubulides has acted, not only contrary to your decree, but also contrary to the laws which declare that anyone who makes business in the market a reproach against any male or female citizen shall be liable to the penalties for evil-speaking. We on our part acknowledge that we sell ribbons and 31 do not live in the manner we could wish, and if in

## DEMOSTHENES

εἴ σοί ἐστι τοῦτο σημεῖον, ὦ Εὐβουλίδη, τοῦ μὴ Ἀθηναίους ἡμᾶς εἶναι, ἐγὼ σοι τούτου ὅλως τὸναντίον ἐπιδείξω, ὅτι οὐκ ἔξεστι ξένῳ ἐν τῇ ἀγορᾷ ἐργάζεσθαι.

Καί μοι λαβὼν ἀνάγνωθι πρῶτον τὸν Σόλωνος νόμον.

### ΝΟΜΟΣ

- 32 Λαβὲ δὴ καὶ τὸν Ἀριστοφῶντος· οὕτω γάρ, ὦ ἄνδρες Ἀθηναῖοι, τοῦτον ἔδοξεν ἐκείνος καλῶς καὶ δημοτικῶς νομοθετῆσαι, ὥστ' ἐψηφίσασθε πάλιν τὸν αὐτὸν ἀνανεώσασθαι.

### ΝΟΜΟΣ

Προσῆκει τοίνυν ὑμῖν βοηθοῦσι τοῖς νόμοις μὴ τοὺς ἐργαζομένους ξένους νομίζειν, ἀλλὰ τοὺς συκοφαντοῦντας πονηρούς. ἐπεὶ, ὦ Εὐβουλίδη, ἔστι καὶ ἕτερος περὶ τῆς ἀργίας νόμος, ὃ αὐτὸς ἔνοχος ὢν ἡμᾶς τοὺς ἐργαζομένους διαβάλλεις.

- 33 ἀλλὰ γὰρ τοσαύτη τις ἀτυχία ἐστὶ περὶ ἡμᾶς νῦν, ὥστε τούτῳ μὲν ἔξεστιν ἔξω τοῦ πράγματος βλασφημεῖν καὶ πάντα ποιεῖν, ὅπως μηδενὸς τῶν δικαίων ἐγὼ τύχω· ἐμοὶ δ' ἐπιτιμήσεται ἴσως, ἐὰν λέγω, ὃν τρόπον οὗτος ἐργάζεται περιῶν ἐν τῇ πόλει, καὶ εἰκότως· ἃ γὰρ ὑμεῖς ἴστε, τί δεῖ λέγειν; σκοπεῖτε δέ· νομίζω γὰρ ἔγωγε τὸ ἐν τῇ ἀγορᾷ ἡμᾶς ἐργάζεσθαι, μέγιστον εἶναι σημεῖον τοῦ ψευδεῖς ἡμῖν αἰτίας τοῦτον ἐπιφέρειν. ἦν γὰρ φησι ταινιόπων
- 34  
[1309]

<sup>a</sup> That is, without paying a special resident-alien tax, and being registered.



## AGAINST EUBULIDES, 31-34

your eyes, Eubulides, this is a sign that we are not Athenians, I shall prove to you the very opposite—that it is not permitted to any alien to do business in the market.<sup>a</sup>

(*To the clerk.*) Take first the law of Solon and read it, please.

### THE LAW

(*To the clerk.*) Now take also the law of Aristophon; 32 for, men of Athens, Solon was thought to have enacted in this instance so wise and democratic a law that you voted to re-enact it.

### THE LAW

It is fitting that you, then, acting in defence of the laws, should hold, not that those who ply a trade are aliens, but that those who bring malicious and baseless suits are scoundrels. For, Eubulides, there is another law too regarding idleness to which you, who denounce us who are traders, are amenable. But we 33 are at the present time involved in a misfortune so great that, whereas it is permitted to this fellow to make slanderous statements which have nothing to do with the case, and to avail himself of every possible means to prevent my obtaining my rights in any particular, you will perhaps rebuke me, if I tell you what sort of a trade this man plies as he goes about the city; and you would do so with good reason, for what need is there for me to tell you what you know? But consider. It seems to me certainly that our carrying on a trade in the market-place is the strongest proof that this fellow is bringing against us charges which are false. He asserts that my 34 mother is a vendor of ribbons and that everybody

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εἶναι καὶ φανεράν πᾶσι, προσῆκε δῆπουθεν εἰδότας αὐτὴν πολλοὺς ἧτις ἐστὶ μαρτυρεῖν, καὶ μὴ μόνον ἀκοήν, ἀλλ' εἰ μὲν ξένη ἦν, τὰ τέλη ἐξετάσαντας τὰ ἐν τῇ ἀγορᾷ, εἰ ξενικὰ ἐτέλει, καὶ ποδαπὴ ἦν ἐπιδεικνύντας· εἰ δὲ δούλη, μάλιστα μὲν τὸν πριάμενον, εἰ δὲ μὴ, τὸν ἀποδόμενον ἤκειν καταμαρτυροῦντα, εἰ δὲ μὴ, τῶν ἄλλων τινά, ἢ ὡς ἐδούλευσεν ἢ ὡς ἀφείθη ἐλευθέρα. νῦν δὲ τούτων μὲν ἀπέδειξεν οὐδέν, λελοιδόρηκε δ', ὡς ἐμοὶ δοκεῖ, οὐδὲν ὅ τι οὔ. τοῦτο γὰρ ἐστὶν ὁ συκοφάντης, αἰτιᾶσθαι μὲν πάντα, ἐξελέγξαι δὲ μηδέν.

- 35 Ἐπεὶ κάκεῖνο περὶ τῆς μητρὸς εἶρηκεν, ὅτι ἐτίτθευσεν. ἡμεῖς δ', ὅθ' ἡ πόλις ἠτύχει καὶ πάντες κακῶς ἔπραττον, οὐκ ἀρνούμεθα τοῦτο γενέσθαι· ὃν δὲ τρόπον καὶ ὧν εἵνεκ' ἐτίτθευσεν, ἐγὼ σαφῶς ὑμῖν ἐπιδείξω. μηδεὶς δ' ὑμῶν, ὦ ἄνδρες Ἀθηναῖοι, δυσχερῶς ὑπολάβη· καὶ γὰρ νῦν ἀστὰς γυναῖκας πολλὰς εὐρήσετε τιτθεούσας, ἃς ὑμῖν καὶ κατ' ὄνομα ἐὰν βούλησθ' ἐροῦμεν. εἰ δέ γε πλούσιοι ἦμεν, οὔτ' ἂν τὰς ταινίας ἐπωλοῦμεν, οὔτ' ἂν ὅλως ἦμεν ἄποροι. ἀλλὰ τί ταῦτα κοινωνεῖ τῷ γένει;
- 36 ἐγὼ μὲν οὐδὲν οἶμαι. μηδαμῶς, ὦ ἄνδρες δικασταί, τοὺς πένητας ἀτιμάζετε (ἰκανὸν γὰρ αὐτοῖς τὸ πένεσθαι κακόν), μηδέ γε τοὺς ἐργάζεσθαι καὶ ζῆν ἐκ τοῦ δικαίου προαιρουμένους· ἀλλ' ἀκούσαντες, ἐὰν ὑμῖν ἐπιδεικνύω τῆς μητρὸς τοὺς οἰκείους οἴους προσῆκει εἶναι ἀνθρώπους ἐλευθέρους, ἃ οὗτος

## AGAINST EUBULIDES, 34-36

has seen her. Well then, there ought to be many to testify from knowledge who she is, and not from hearsay only. If she was an alien, they ought to have examined the market-tolls, and have shown whether she paid the alien's tax, and from what country she came; and if she were a slave, then the one who had bought her should by all means have come to give evidence against her, or the one who sold her, or in default of them, someone else to prove that she had lived as a slave or had been set free. But as it is, Eubulides has proved not one of these things; he has merely, in my opinion, indulged in every form of abuse. For this is what a blackmailer is; he makes all manner of charges, but proves nothing.

He has said this too about my mother, that she 35  
 served as a nurse. We, on our part, do not deny that this was the case in the time of the city's misfortune, when all people were badly off; but in what manner and for what reasons she became a nurse I will tell you plainly. And let no one of you, men of Athens, be prejudiced against us because of this; for you will find to-day many Athenian women who are serving as nurses; I will mention them by name, if you wish. If we were rich we should not be selling ribbons nor be in want in any way. But what has this to do with our descent? Nothing whatever, in my opinion. Pray, men of Athens, do 36  
 not scorn the needy (their poverty is misfortune enough), and scorn still less those who choose to engage in trade and get their living by honest means. No; listen to my words, and if I prove to you that my mother's relatives are such as free-born people ought to be; that they deny upon oath the calumni-

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[1310] καταιτιᾶται περὶ αὐτῆς, ταύτας τὰς διαβολὰς ἔξομνυμένους, καὶ μαρτυροῦντας αὐτὴν ἀσπὴν οὐσαν εἰδέναι, οὓς ὑμεῖς φήσετε πιστοὺς εἶναι, δικαίως ἡμῖν θέσθε τὴν ψῆφον.

37 Ἐμοὶ γὰρ ἦν πάππος, ὦ ἄνδρες Ἀθηναῖοι, τῆς μητρὸς πατήρ, Δαμόστρατος Μελιτεύς. τούτῳ γίνονται τέτταρες παῖδες, ἐκ μὲν ἧς τὸ πρῶτον ἔσχε γυναικὸς θυγάτηρ καὶ υἱὸς ὦ ὄνομ' Ἀμυθέων, ἐκ δὲ τῆς ὕστερον Χαιρεστράτης ἢ μήτηρ ἢ ἐμὴ καὶ Τιμοκράτης. τούτοις δὲ γίνονται παῖδες, τῷ μὲν Ἀμυθέωνι Δαμόστρατος, τοῦ πάππου τοῦνομ' ἔχων, καὶ Καλλίστρατος καὶ Δεξιθεός. καὶ ὁ μὲν Ἀμυθέων ὁ τῆς μητρὸς ἀδελφὸς τῶν ἐν Σικελίᾳ στρατευσαμένων καὶ τελευτησάντων ἐστὶ, καὶ τέθαπται ἐν τοῖς δημοσίοις μνήμασι· καὶ ταῦτα  
38 μαρτυρήσεται. τῇ δ' ἀδελφῇ αὐτοῦ συνοικησάσῃ Διοδώρῳ Ἀλαιεὶ υἱὸς γίνεται Κτησίβιος. καὶ οὗτος μὲν ἐτελεύτησεν ἐν Ἀβύδῳ μετὰ Θρασυβούλου στρατευόμενος, ζῆ δὲ τούτων ὁ Δαμόστρατος ὁ τοῦ Ἀμυθέωνος, τῆς μητρὸς ἀδελφιδοῦς τῆς ἐμῆς. τῆς δὲ Χαιρεστράτης τῆς ἐμῆς τήθης τὴν ἀδελφὴν λαμβάνει Ἀπολλόδωρος Πλωθεύς· τούτων γίνεται Ὀλύμπιχος, τοῦ δ' Ὀλυμπίχου Ἀπολλόδωρος, καὶ οὗτος ζῆ.

Καί μοι κάλει αὐτούς.

### ΜΑΡΤΥΡΕΣ

39 Τούτων μὲν τοίνυν ἀκηκόατε μαρτυρούντων καὶ

<sup>a</sup> Melitê, a deme of the tribe Cecropis.

<sup>b</sup> The disastrous expedition to Sicily was sent out in 415 B.C.

## AGAINST EUBULIDES, 36-39

ous charges which this man makes regarding her, and testify that they know her to be of civic birth—they on their part being witnesses whom you yourselves will acknowledge to be worthy of credence—, then, as you are bound to do, cast your votes in my favour.

My grandfather, men of Athens, the father of my 37 mother, was Damostratus of Melitê.<sup>a</sup> To him were born four children ; by his first wife a daughter and a son Amytheon, and by his second wife Chaerestratê my mother and Timocrates. These also had children. Amytheon had a son Damostratus, who bore the same name as his grandfather, and two others, Callistratus and Dexitheus. Amytheon, my mother's brother, was one of those who served in the campaign in Sicily <sup>b</sup> and were killed there, and he lies buried in the public tomb.<sup>c</sup> These facts will be proved to you by testimony. To Amytheon's sister, who married 38 Diodorus of Halae,<sup>d</sup> was born a son Ctesibius, and he was killed in Abydus <sup>e</sup> while serving in the campaign with Thrasybulus. Of these relatives there is living Damostratus, son of Amytheon and nephew of my mother. The sister of my grandmother Chaerestratê was married to Apollodorus of Plotheia.<sup>f</sup> They had a son Olympichus, and Olympichus a son Apollodorus, who is still living.

(*To the clerk.*) Call these people, please.

### THE WITNESSES

These witnesses, then, you have heard giving their 39

<sup>c</sup> A cenotaph, of course.

<sup>d</sup> For the two demes of this name see note *a* on p. 336 of vol. ii.

<sup>e</sup> A town on the Hellespont. The date of this campaign was 388 B.C.

<sup>f</sup> Plotheia, a deme of the tribe Aegæis.

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διομνυμένων· τὸν δὲ καὶ κατ' ἀμφοτέρ' ἡμῖν  
 συγγενῇ καλῶ, καὶ τοὺς υἱεῖς αὐτοῦ. τῷ γὰρ  
 Τιμοκράτει τῷ τῆς μητρὸς ἀδελφῷ τῆς ἐμῆς  
 [1311] τῷ ὀμοπατρίῳ καὶ ὀμομητρίῳ γίγνεται Εὐξίθεος,  
 τοῦ δ' Εὐξίθεου τρεῖς υἱεῖς· οὗτοι πάντες ζῶσιν.  
 Καί μοι κάλει τοὺς ἐπιδημοῦντας αὐτῶν.

### ΜΑΡΤΥΡΕΣ

40 Λαβὲ δὴ μοι καὶ τὰς τῶν φρατέρων τῶν συγγε-  
 νῶν τῶν τῆς μητρὸς καὶ δημοτῶν μαρτυρίας, καὶ  
 ὧν τὰ μνήματα ταῦτά.

### ΜΑΡΤΥΡΙΑΙ

Τὰ μὲν τοίνυν τοῦ γένους τοῦ τῆς μητρὸς οὕτως  
 ὑμῖν ἐπιδεικνύω, καὶ πρὸς ἀνδρῶν καὶ πρὸς γυ-  
 ναικῶν ἀστήν. τῇ δὲ μητρὶ τῇ ἐμῇ γίγνεται, ᾧ  
 ἄνδρες δικασταί, τὸ μὲν πρῶτον ἐκ Πρωτομάχου,  
 ᾧ αὐτὴν ὁ Τιμοκράτης ὀμομήτριος καὶ ὀμοπάτριος  
 ὢν ἀδελφὸς ἔδωκε, θυγάτηρ, εἶτα ἐκ τοῦ πατρὸς  
 τοῦμοῦ ἐγώ. ὃν δὲ τρόπον τῷ πατρὶ τῷ ἐμῷ  
 συνώκησε, ταῦθ' ὑμᾶς ἀκοῦσαι δεῖ· καὶ γὰρ ἃ περὶ  
 τὸν Κλεινίαν αἰτιᾶται καὶ τὸ τιτθεῦσαι τὴν μητέρα  
 41 καὶ ταῦτα πάντ' ἐγὼ σαφῶς ὑμῖν διηγῆσομαι. ὁ  
 Πρωτόμαχος πένης ἦν· ἐπικλήρου δὲ κληρονομήσας  
 εὐπόρου, τὴν μητέρα βουλευθεῖς ἐκδοῦναι πείθει

° In order that a marriage should be legitimate it was necessary that the woman should be given in marriage by a near male relative—generally her father or her brother, or in default of these by someone acting in their stead.

ᵇ A woman could not inherit property but herself passed with the estate to the nearest male heir. He was then

## AGAINST EUBULIDES, 39-41

testimony and taking their oaths. I will call also one who is our kinsman on both sides, and his sons. For Timocrates, who is my mother's brother, born from the same father and the same mother, had a son Euxitheus, and Euxitheus had three sons. All these persons are still living.

(*To the clerk.*) Call, please, those of them who are in the city.

### THE WITNESSES

Now take, please, the depositions of the members <sup>40</sup> of the clan belonging to the same *gens* as my mother, and of the members of the deme, and of those who have the right of burial in the same tombs.

### THE DEPOSITIONS

As to my mother's lineage, then, I prove to you in this way that she was an Athenian on both the male and the female side. My mother, men of the jury, first married Protomachus, to whom she was given by Timocrates, her brother born of the same father and the same mother <sup>a</sup>; and she had by him a daughter. Then she married my father and gave birth to me. But how it was that she came to marry my father you must hear; for the charges which my opponent makes regarding Cleinias and my mother's having served as nurse—all this too I will set forth to you clearly. Protomachus was a poor man, but becoming entitled <sup>41</sup> to inherit a large estate by marrying an heiress,<sup>b</sup> and wishing to give my mother in marriage, he entitled, and obliged, to marry her or to give her in marriage. If he chose the former alternative and was already married, he necessarily divorced his wife or gave her in marriage to another.

## DEMOSTHENES

λαβεῖν αὐτὴν Θούκριτον τὸν πατέρα τὸν ἐμόν, ὄνθ' ἑαυτοῦ γνώριμον, καὶ ἐγγυᾶται ὁ πατὴρ τὴν μητέρα τὴν ἐμὴν παρὰ τοῦ ἀδελφοῦ αὐτῆς Τιμοκράτους Μελιτέως, παρόντων τῶν τε θείων ἀμφοτέρων τῶν ἑαυτοῦ καὶ ἄλλων μαρτύρων· καὶ  
 42 τούτων ὅσοι ζῶσι, μαρτυρήσουσιν ὑμῖν. μετὰ δὲ ταῦτα χρόνῳ ὕστερον παιδίων αὐτῇ δυοῖν ἤδη γεγεννημένων, καὶ τοῦ μὲν πατρὸς στρατευομένου καὶ ἀποδημοῦντος μετὰ Θρασυβούλου, αὐτῇ δ' οὖσ' ἐν ἀπορίαις, ἠναγκάσθη τὸν Κλεινίαν τὸν τοῦ Κλειδίκου τιτθεῦσαι, τῷ μὲν εἰς ἔμ' ἤκοντι κινδύνῳ νῦν μὰ τὸν Δί' οὐχὶ συμφέρον πρᾶγμα ποιήσασα  
 [1312] (ἀπὸ γὰρ ταύτης τῆς τιτθείας ἅπασ' ἡ περὶ ἡμᾶς γέγονεν βλασφημία), τῇ μέντοι ὑπαρχούσῃ πενία  
 43 ἴσως καὶ ἀναγκαῖα καὶ ἀρμόττοντα ποιούσα. φαίνεται τοίνυν οὐχ ὁ ἐμὸς πατὴρ πρῶτος, ὧ ἄνδρες Ἀθηναῖοι, λαβὼν τὴν ἐμὴν μητέρα, ἀλλ' ὁ Πρωτόμαχος, καὶ παῖδας ποιησάμενος καὶ θυγατέρ' ἐκδούς· ὃς καὶ τετελευτηκῶς ὅμως μαρτυρεῖ τοῖς ἔργοις ἀστήν τ' αὐτὴν καὶ πολίτιν εἶναι.

Ὡς οὖν ταῦτ' ἀληθῆ λέγω, κάλει μοι πρῶτον μὲν τοὺς τοῦ Πρωτομάχου υἱεῖς, ἔπειτα τοὺς ἐγγυωμένῳ παρόντας τῷ πατρὶ καὶ τῶν φρατέρων τοὺς οἰκείους, οἷς τὴν γαμηλίαν εἰσήνεγκεν ὑπὲρ τῆς μητρὸς ὁ πατὴρ, εἴτ' Εὐνικὸν Χολαργέα τὸν τὴν ἀδελφὴν λαβόντα τὴν ἐμὴν παρὰ τοῦ Πρωτομάχου, εἶτα τὸν υἱὸν τῆς ἀδελφῆς. κάλει τούτους.

### ΜΑΡΤΥΡΕΣ

<sup>a</sup> Cholargus, a deme of the tribe Acamantis.



persuaded my father Thucritus, an acquaintance of his, to take her, and my father received my mother in marriage at the hands of her brother Timocrates of Melitê, in the presence of both his own uncles and other witnesses ; and of these as many as are still living shall give testimony before you. Some time <sup>42</sup> after this, when by now two children had been born to her, she was compelled at a time when my father was absent on military service with Thrasybulus and she herself was in hard straits, to take Cleinias, the son of Cleidicus, to nurse. This act of hers was, Heaven knows, none too fortunate with reference to the danger which has now come upon me (for it was from this nursing that all the slander about us has arisen) ; but in view of the poverty with which she had to cope she did what was perhaps both necessary and fitting. Now it is plain, men of <sup>43</sup> Athens, that it was not my father who first received my mother in marriage. No ; it was Protomachus, and he had by her a son, and a daughter whom he gave in marriage. And he, even though dead, bears testimony by what he did that my mother was an Athenian and of civic birth.

To prove that these statements of mine are true, (*to the clerk*) call first, please, the sons of Protomachus, and next the witnesses who were present when my mother was betrothed to my father, and from the members of the clan the kinsfolk to whom my father gave the marriage-feast in honour of my mother. After them call Eunicus of Cholargus,<sup>a</sup> who received my sister in marriage from Protomachus, and then my sister's son. Call them.

## THE WITNESSES

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44 Πῶς οὖν οὐκ ἂν οἰκτρότατ', ὦ ἄνδρες Ἀθηναῖοι, πάντων ἐγὼ πεπονθὼς εἶην, εἰ τῶν συγγενῶν ὄντων τοσοῦτων τουτωνὶ καὶ μαρτυρούντων καὶ διομνυμένων ἐμοὶ προσήκειν, μηδεὶς μηδενὶ τούτων ἀμφισβητῶν ὡς οὐκ εἰσὶ πολῖται, ἐμὲ ψηφίσαισθ' εἶναι ξένον;

Λαβὲ δὴ μοι καὶ τὴν τοῦ Κλεινίου καὶ τὴν τῶν συγγενῶν αὐτοῦ μαρτυρίαν· οἱ ἴσασι δῆπου τίς οὐσά ποθ' ἢ ἢ μὴ μήτηρ ἐτίθθυσεν αὐτόν. οὐ γὰρ ἂ τήμερον ἡμεῖς φαμὲν εὖορκον αὐτοῖς μαρτυρεῖν, ἀλλ' ἂ πάντα τὸν χρόνον ἤδεσαν τὴν ἡμετέραν μὲν  
 45 μητέρα, τιτθὴν δὲ τούτου νομιζομένην. καὶ γὰρ εἰ ταπεινὸν ἢ τιτθὴ, τὴν ἀλήθειαν οὐ φεύγω· οὐ γὰρ εἰ πένητες ἦμεν, ἡδίκηκαμεν, ἀλλ' εἰ μὴ πολῖται·  
 [1313] οὐδὲ περὶ τύχης οὐδὲ περὶ χρημάτων ἡμῖν ἐσθ' ὁ παρῶν ἀγών, ἀλλ' ὑπὲρ γένους. πολλὰ δουρικὰ πράγματα τοὺς ἐλευθέρους ἢ πενία βιάζεται ποιεῖν, ἐφ' οἷς ἐλεοῖντ' ἂν, ὦ ἄνδρες Ἀθηναῖοι, δικαιοτέρον, ἢ προσαπολλύοιντο. ὡς γὰρ ἔγωγ' ἀκούω, πολλαὶ καὶ τιτθαὶ καὶ ἔριθοι καὶ τρυγήτριαι γεγόνασ' ὑπὸ τῶν τῆς πόλεως κατ' ἐκείνους τοὺς χρόνους συμφορῶν ἀσταὶ γυναῖκες, πολλαὶ δ' ἐκ πενήτων πλούσιαι νῦν. ἀλλ' αὐτίχ' ὑπὲρ τούτων.  
 Νῦν δὲ τοὺς μάρτυρας κάλει.

### ΜΑΡΤΥΡΕΣ

46 Οὐκοῦν ὅτι μὲν καὶ τὰ πρὸς μητρός εἰμ' ἀστὸς καὶ τὰ πρὸς πατρός, τὰ μὲν ἐξ ὧν ἄρτι μεμαρτύρηται μεμαθήκατε πάντες, τὰ δ' ἐξ ὧν πρότερον περὶ τοῦ πατρός. λοιπὸν δέ μοι περὶ ἐμαυτοῦ πρὸς

## AGAINST EUBULIDES, 44-46

Would not my lot, men of Athens, be more piteous 44  
than that of any other, if, when all this host of  
witnesses deposes and swears that they are of my  
kin, and when no one disputes the citizenship of  
any one of these, you should vote that I am an alien ?

(*To the clerk.*) Take, please, also the deposition of  
Cleinius and that of his relatives ; for they, I pre-  
sume, know who my mother was who once served as  
his nurse. Their oath requires them to bear witness,  
not to what I say to-day, but to what they have  
always known regarding her who was reputed to be  
my mother and the nurse of Cleinius. For even if a 45  
nurse is a lowly thing, I do not shun the truth. For  
it is not our being poor that would mark us as wrong-  
doers, but our not being citizens ; and the present  
trial has to do, not with our fortune or our money,  
but with our descent. Many are the servile acts  
which free men are compelled by poverty to perform,  
and for these they should be pitied, men of Athens,  
rather than be brought also to utter ruin. For, as  
I am informed, many women have become nurses  
and labourers at the loom or in the vineyards owing  
to the misfortunes of the city in those days, women  
of civic birth, too ; and many who were poor then  
are now rich. However, I shall speak of these  
matters by and by.

(*To the clerk.*) For the moment, please call the  
witnesses.

### THE WITNESSES

Well then, that I am a citizen on both my mother's 46  
and my father's side you have all learned, partly  
from the testimony which has just been given and  
partly from that previously given regarding my  
father. It remains for me to speak to you about

## DEMOSTHENES

*ύμᾱς εἰπεῖν, τὸ μὲν ἀπλούστατον, οἶμαι, καὶ δικαιοτάτον, ἐξ ἀμφοτέρων ἀστῶν ὄντα με, κεκληρονομηκότα καὶ τῆς οὐσίας καὶ τοῦ γένους, εἶναι πολίτην· οὐ μὴν ἀλλὰ καὶ τὰ προσήκοντα πάντ' ἐπιδείξω μάρτυρας παρεχόμενος, ὡς εἰσήχθην εἰς τοὺς φράτερας, ὡς ἐνεγράφην εἰς τοὺς δημότας, ὡς ὑπ' αὐτῶν τούτων προεκρίθη ἐν τοῖς εὐγενεστάτοις κληροῦσθαι τῆς ἱερωσύνης τῷ Ἡρακλεῖ, ὡς ἦρχον ἀρχὰς δοκιμασθεῖς.*

*Καί μοι κάλει αὐτούς.*

### ΜΑΡΤΥΡΕΣ

- 47 Οὐκοῦν δεινόν, ὦ ἄνδρες δικασταί, εἰ μὲν ἔλαχον ἱερεὺς, ὥσπερ προεκρίθη, δεῖν ἄν με καὶ αὐτὸν θύειν ὑπὲρ τούτων καὶ τοῦτον μετ' ἐμοῦ συνθύειν, νῦν δὲ τοὺς αὐτοὺς τούτους με μεθ' αὐτῶν μηδὲ συνθύειν ἔαν; φαίνομαι τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τὸν μὲν ἄλλον ἅπαντα χρόνον παρὰ πᾶσι τοῖς
- 48 νῦν κατηγοροῦσι πολίτης ὠμολογημένος· οὐ γὰρ [1314] ἄν δήπου τόν γε ξένον καὶ μέτοικον, ὡς νῦν φησιν Εὐβουλίδης, οὔτ' ἀρχὰς ἄρχειν οὔθ' ἱερωσύνην κληροῦσθαι μεθ' ἑαυτοῦ προκριθέντ' εἶασε· καὶ γὰρ οὗτος ἦν τῶν κληρουμένων καὶ προκριθέντων. οὐδέ γ' ἄν, ὦ ἄνδρες Ἀθηναῖοι, παλαιὸς ὢν ἐχθρὸς ἐμοὶ τοῦτον τὸν καιρὸν περιέμενεν, ὃν οὐδεὶς ἤδει γενη-
- 49 σόμενον, εἶπερ τι συνήδει τοιοῦτον. ἀλλ' οὐ

## AGAINST EUBULIDES, 46-48

myself—and my statement is, I think, the simplest and the most reasonable—, that, since I am of civic birth on the side of both parents and have shared by inheritance both the property and the family, I am a citizen. Nevertheless I will produce witnesses to establish also all the circumstances which befit a citizen—that I was inducted into the clan, that I was enrolled on the register of the demesmen, that by these men themselves I was nominated among the noblest-born to draw lots for the priesthood of Heracles, and that I passed the scrutiny and held offices.

(*To the clerk.*) Call them, please.

### THE WITNESSES

Is it not an outrage, men of the jury, that, whereas, 47  
if I had been chosen by lot as priest, even as I had been nominated, it would have been my duty to offer sacrifice on behalf of these people, and Eubulides would have had to join in the sacrifice with me,—is it not an outrage, I ask, that these same people should not allow me even to share in the sacrifices with them? It is plain, then, men of Athens, that in all previous time I have been acknowledged as a citizen by all those who now accuse me; for surely Eubulides would never have 48  
suffered the foreigner or resident alien, as he now calls me, either to hold offices or to draw lots with himself as a nominee for the priesthood; for he too was one of the nominees who drew lots. Nor, men of Athens, seeing that he is an old enemy of mine, would he have waited for the present opportunity, which no one could foresee, if he had known any such facts regarding me. But he did not know them.

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συνήδει· διόπερ τὸν μὲν ἄλλον ἅπαντα χρόνον δημοτευόμενος μετ' ἐμοῦ καὶ κληρούμενος οὐδὲν ἑώρα τούτων, ἐπειδὴ δ' ἡ πόλις πᾶσα τοῖς ἀσελγῶς εἰσπεπηδηκόσιν εἰς τοὺς δῆμους ὀργιζομένη παρῶξυντο, τηνικαῦτα ἐπεβούλευσεν. ἦν δ' ἐκείνος μὲν ὁ καιρὸς τοῦ συνειδότος αὐτῷ τάληθῆ λέγειν, ὁ δὲ νυνὶ παρῶν ἐχθροῦ καὶ συκοφαντεῖν βουλομένου.

50 ἐγὼ δ', ὧ ἄνδρες δικασταί, (καὶ μοι πρὸς Διὸς καὶ θεῶν μηδεὶς θορυβήσῃ, μηδ' ἐφ' ᾧ μέλλω λέγειν ἀχθεσθῆ) ἐμαυτὸν Ἀθηναῖον ὑπέιληφ' ὥσπερ ὑμῶν ἕκαστος ἑαυτόν, μητέρ' ἐξ ἀρχῆς νομίζων ἦνπερ εἰς ὑμᾶς ἀποφαίνω, καὶ οὐχ ἑτέρας μὲν ὦν, ταύτης δὲ προσποιούμενος· πατέρα πάλιν, ὧ ἄνδρες Ἀθη-

51 ναῖοι, τὸν αὐτὸν τρόπον. καίτοι εἰ τοῖς ἐξελεγκομένοις ὦν μὲν εἰς' ἀποκρυπτομένοις, ὦν δ' οὐκ εἰσὶ προσποιουμένοις, δίκαιον ὑπάρχειν παρ' ὑμῖν τοῦτο σημεῖον ὡς εἰσὶ ξένοι, ἐμοὶ δῆπου τούναντίον ὡς εἰμὶ πολίτης. οὐ γὰρ ἂν ξένην καὶ ξένον τοὺς ἐμαυτοῦ γονέας ἐπιγραψάμενος μετέχειν ἡξίου τῆς πόλεως· ἀλλ' εἴ τι τοιοῦτον συνήδειν, ἐζήτησ' ἂν ὦν φήσω γονέων εἶναι. ἀλλ' οὐ συνήδειν, διόπερ μένων ἐπὶ τοῖς οὔσι δικαίως γονεῦσιν

[1315] ἐμαυτῷ τῆς πόλεως μετέχειν ἀξιῶ.

52 Ἔτι τοίνυν ὀρφανὸς κατελείφθην, καὶ φασὶ μ' εὖπορον εἶναι, καὶ τῶν μαρτύρων ἐνίους ὠφελουμένους μοι μαρτυρεῖν συγγενεῖς εἶναι. καὶ ἅμα μὲν κατ' ἐμοῦ λέγουσι τὰς ἐκ τῆς πενίας ἀδοξίας

So, then, although he continued throughout all the 49  
 past to act as a member of the deme and to draw  
 lots for offices together with me without seeing any  
 of these objections, yet, when the whole city was  
 roused to sharp indignation against those who had  
 recklessly forced their way into the demes, then,  
 and not till then, he laid his plots. The earlier time  
 would have suited one who was convinced of the  
 truth of his charges ; but the present suits an enemy  
 and one who will stoop to malicious pettifoggery.  
 For my own part, men of the jury (and I beg you by 50  
 Zeus and the gods, let no one make an outcry or be  
 vexed at what I am going to say), I hold myself to  
 be an Athenian on the same grounds on which each  
 one of you holds himself to be one, having from the  
 first regarded as my mother her whom I represent  
 as such to you, and not pretending to be hers while  
 really belonging to another ; and in regard to my  
 father the case is the same. Yet, if in the case of 51  
 those who are proved to have hidden their real  
 parentage and laid claim to a false one, you rightly  
 hold this to be a proof that they are aliens, surely  
 in my case the opposite should prove that I am a  
 citizen. For in claiming the rights of citizenship I  
 should never have inscribed myself as the son of  
 parents who were both foreigners, but, if I had known  
 any such thing, I should have sought out persons  
 to claim as my parents. But I knew nothing of  
 the sort, and so, holding fast to those who are my real  
 parents, I claim Athenian citizenship.

Again, I was left an orphan ; and yet they say 52  
 that I am rich and that some of the witnesses testify  
 that they are my relatives because they receive help  
 from me. They taunt me with my poverty and make

## DEMOSTHENES

καὶ περὶ τὸ γένος διαβάλλουσιν, ἅμα δὲ δι' εὐ-  
 53 πορίαν φασὶ πάντα μ' ὠνεῖσθαι. ὥστε πότερα χρῆ  
 αὐτοῖς πιστεύειν; ἐξῆν δὲ δήπου τούτοις, εἰ νόθος  
 ἢ ξένος ἦν ἐγώ, κληρονόμοις εἶναι τῶν ἐμῶν πάν-  
 τῶν. εἴθ' οὗτοι μικρὰ λαμβάνειν καὶ κινδυνεύειν  
 ἐν ψευδομαρτυρίαις κάπιορκεῖν μᾶλλον αἰροῦνται,  
 ἢ πάντ' ἔχειν, καὶ ταῦτ' ἀσφαλῶς, καὶ μηδεμίᾱς  
 ἐξωλείας ὑπόχους ἑαυτοὺς ποιεῖν; οὐκ ἔστι ταῦτα,  
 ἀλλ', οἶμαι, συγγενεῖς ὄντες τὰ δίκαια ποιούσι,  
 51 βοηθοῦντες αὐτῶν ἐνί. καὶ ταῦτ' οὐχὶ νῦν πεπει-  
 σμένοι ποιούσιν, ἀλλὰ παιδίον ὄντα μ' εὐθέως ἦγον  
 εἰς τοὺς φράτερας, εἰς Ἀπόλλωνος πατρώου μ'  
 ἦγον, εἰς τᾶλλ' ἱερά. καίτοι οὐ δήπου παῖς ὢν ἐγὼ  
 ταῦτ' ἔπειθον αὐτοὺς ἀργύριον διδοῦς. ἀλλὰ μὴν ὁ  
 πατὴρ αὐτὸς ζῶν ὁμόσας τὸν νόμιμον τοῖς φράτερ-  
 σιν ὄρκον εἰσήγαγέ με, ἀστὸν ἐξ ἀστῆς ἐγγυητῆς  
 αὐτῷ γεγενημένον εἰδῶς, καὶ ταῦτα μεμαρτύρηται.  
 55 Εἴτ' ἐγὼ ξένος; ποῦ μετοίκιον καταθεῖς; ἢ τίς  
 τῶν ἐμῶν πώποτε; ποῦ πρὸς ἄλλους δημότας  
 ἐλθῶν, καὶ οὐ δυνηθεῖς ἐκείνους πείσαι δεῦρ'  
 ἑμαυτὸν ἐγγράψας; ποῦ τί ποιήσας ὢν ὅσοι μὴ  
 καθαρῶς ἦσαν πολῖται πεποικηκότες φαίνονται;  
 οὐδαμοῦ, ἀλλ' ἀπλῶς, ἐν οἷς ὁ πάππος ὁ τοῦ  
 πατρός, οὐμός, ὁ πατήρ, ἐνταῦθα καὶ αὐτὸς

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\* Aliens resident in Athens paid a tax of 12 drachmae annually.



## AGAINST EUBULIDES, 52-55

my birth a reproach, but at the same time they assert that I am rich enough to buy anything. In which 53 statement, then, is one to believe them? It surely would have been their right, if I had been illegitimate or an alien, to inherit all my property. Do they prefer, then, to take a little and jeopardize themselves by giving false testimony and to commit perjury, rather than to take everything, and that with safety, without having invoked a curse upon their own heads? This is not the case. No; in my opinion, seeing that they are my relatives, they are but doing what is right in aiding one of themselves. And they are not doing this at this 54 time because I have induced them to do so; on the contrary, when I was a child they at once took me to the clansmen, they took me to the temple of Apollo our ancestral god, and to the other sacred places. And yet I presume that as a child I did not induce these men to do this by giving them money. No; my father himself, while he still lived, swore the customary oath and introduced me to the clansmen, knowing that I was an Athenian, born of an Athenian mother, lawfully betrothed to himself; and these facts have been established by testimony.

Am I, then, an alien? Where have I paid the 55 resident alien's tax?<sup>a</sup> Or what member of my family has ever paid it? Have I ever gone to the members of another deme and, because I could not induce them to accept me, got myself registered in this one? Have I done any of the things which all those who are not genuine citizens are proved to have done? Certainly not. No; in a word I manifestly have lived as a member of the deme among the same people among whom my father's grandfather, my

## DEMOSTHENES

[1316] φαίνομαι δημοτευόμενος. καὶ νῦν πῶς ἂν τις  
 ὑμῖν σαφέστερον ἐπιδείξειε μετὸν τῆς πόλεως  
 56 αὐτῶ; ἐνθυμείσθω γὰρ ἕκαστος ὑμῶν, ὦ ἄνδρες  
 Ἀθηναῖοι, τοὺς αὐτῶ προσήκοντας τίν' ἂν ἄλλον  
 δύναιτ' ἐπιδείξαι τρόπον ἢ τὸν αὐτὸν ἐμοί, μαρ-  
 τυροῦντας, ὁμνύοντας, πάλαι τοὺς αὐτοὺς ἀπὸ τῆς  
 ἀρχῆς ὄντας;

Διὰ ταῦτα τοίνυν ἐγὼ πιστεύων ἐμαυτῶ κατ-  
 ἐφυγον εἰς ὑμᾶς. ὁρῶ γάρ, ὦ ἄνδρες Ἀθηναῖοι, οὐ  
 μόνον τῶν ἀπεψηφισμένων Ἀλιμουσίων ἐμοῦ κυ-  
 ριώτερ' ὄντα τὰ δικαστήρια, ἀλλὰ καὶ τῆς βουλῆς  
 καὶ τοῦ δήμου, δικαίως· κατὰ γὰρ πάνθ' αἰ παρ'  
 ὑμῖν εἰσι κρίσεις δικαιοτάται.

57 Ἐνθυμείσθε τοίνυν κακείμενο, ὅσοι τῶν μεγάλων  
 δήμων ἐστέ, ὡς οὐδέν' ἀπεστερεῖτ' οὔτε κατηγορίας  
 οὔτ' ἀπολογίας. καὶ πόλλ' ἀγαθὰ γένοιτο πᾶσιν  
 ὑμῖν τοῖς δικαίως τούτῳ τῷ πράγματι χρησαμένοις,  
 ὅτι καὶ τῶν ἀναβαλέσθαι δεομένων οὐκ ἀφηρεῖσθε  
 τὸ παρασκευάσασθαι· ὧ καὶ τοὺς συκοφαντοῦντας  
 58 καὶ δι' ἔχθραν ἐπιβουλεύοντας ἐξηλέγχετε. καὶ  
 ὑμᾶς μὲν ἐπαινεῖν ἄξιον, ὦ ἄνδρες Ἀθηναῖοι, τοὺς  
 δὲ καλῶ καὶ δικαίῳ πράγματι μὴ καλῶς χρησα-  
 μένους ψέγειν. ἐν οὐδενὶ τοίνυν εὐρήσετε τῶν  
 δήμων δεινότερα γεγενημένα τῶν παρ' ἡμῖν. οὔτοι  
 γὰρ ἀδελφῶν ὁμομητρίων καὶ ὁμοπατρίων τῶν μὲν  
 εἰσιν ἀπεψηφισμένοι, τῶν δ' οὔ, καὶ πρεσβυτέρων

own grandfather, and my father himself lived. And now, how could anyone prove to you more convincingly than I have done that he is entitled to the rights of citizenship? Let each one of you consider, 56 men of Athens, in what other way he could prove that people are his kinsmen than in the way in which I have proved it—by having them give testimony under oath and showing that they have always been my kinsmen from the beginning.

It is for these reasons that I have confidence in my case and have come to you for protection. For I see, men of Athens, that the decisions of your courts are more valid not only than those of the Halimusians who have expelled me, but more valid even than those of the senate and the popular assembly; and justly so; for in all respects the verdicts of your courts are most just.

Reflect upon this also, all you who belong to the 57 large demes, that you are not wont to deprive any man of his right of accusation and defence. And I invoke many blessings upon the heads of all of you who have dealt fairly with this matter, because you did not deprive of the opportunity to prepare their case those who asked for a delay. By taking this course you exposed the pettifoggers and those who were maliciously scheming against others. You are 58 deserving of praise for this, men of Athens; but those are to be blamed who have misused a procedure that was both admirable and just. In no other of the demes will you find that more outrageous things have been done than in ours. Of brothers born of the same mother and the same father they have expelled some and retained others, and they have expelled elderly men of slender means,

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ἀνθρώπων ἀπόρων, ὧν τοὺς υἱεῖς ἐγκαταλελοίπα-  
 σιν· καὶ τούτων ἂν βούλησθε, μάρτυρας παρέξομαι.  
 59 ὁ δὲ πάντων δεινότατον οἱ συνεστηκότες πεποιή-  
 κασι (καί μοι πρὸς Διὸς καὶ θεῶν μηδεὶς ὑπολάβη  
 [1317] δυσκόλως, ἔὰν τοὺς ἡδίκηκότας ἑμαυτὸν πονηροὺς  
 ὄντας ἐπιδεικνύω· νομίζω γὰρ ὑμῖν τὴν τούτων  
 πονηρίαν δεικνὺς εἰς αὐτὸ τὸ πρᾶγμα λέγειν τὸ  
 γενόμενόν μοι)· οὗτοι γάρ, ὦ ἄνδρες Ἀθηναῖοι,  
 βουλομένους τινὰς ἀνθρώπους ξένους πολίτας γενέ-  
 σθαι, Ἀναξιμένην καὶ Νικόστρατον, κοινῇ διανεμ-  
 μάμενοι πέντε δραχμὰς ἕκαστος προσεδέξαντο.  
 καὶ ταῦτ' οὐκ ἂν ἐξομόσασιν Ἐὐβουλίδης οὐδ' οἱ  
 μετ' αὐτοῦ μὴ οὐκ εἶδέναι. καὶ νῦν τούτων οὐκ  
 ἀπειψηφίσαντο. τί οὖν οὐκ ἂν οἴεσθε τούτους ἰδίᾳ  
 60 ποιῆσαι, οἱ κοινῇ ταῦτ' ἐτόλμων; πολλούς, ὦ  
 ἄνδρες δικασταί, οἱ μετ' Ἐὐβουλίδου συνεστῶτες  
 καὶ ἀπολωλέκασιν καὶ σεσώκασιν εἴνεκ' ἀργυρίου.  
 ἐπεὶ καὶ τὸ πρότερον (ἐρῶ δ' εἰς αὐτὸ τὸ πρᾶγμα,  
 ὦ ἄνδρες Ἀθηναῖοι) δημαρχῶν ὁ Ἐὐβουλίδου  
 πατήρ, ὥσπερ εἶπον, Ἀντίφιλος, τεχνάζει βουλό-  
 μενος παρά τινων λαβεῖν ἀργύριον, καὶ ἔφη τὸ  
 κοινὸν γραμματεῖον ἀπολωλέναι, ὥστ' ἔπεισε δια-  
 ψηφίσασθαι τοὺς Ἀλιμουσίους περὶ αὐτῶν, καὶ  
 κατηγορῶν δέκα τῶν δημοτῶν ἐξέβαλεν, οὓς ἅπαν-  
 τας πλὴν ἑνὸς κατεδέξατο τὸ δικαστήριον. καὶ  
 61 ταῦτα πάντες ἴσασιν οἱ πρεσβύτεροι. πολλοῦ γ'  
 ἔδεόν τινὰς ἐγκαταλιπεῖν τῶν μὴ Ἀθηναίων, ὅπου

## AGAINST EUBULIDES, 58-61

while they have left their sons on the list of demesmen ; and to prove these things I will call witnesses, if you wish. But you must hear the most outrageous 59 thing which these conspirators have done (and I beg you in the name of Zeus and the gods, let no one of you be offended if I show the rascality of these men who have wronged me. For I hold that in showing what scoundrels they are I am speaking with precise reference to the experience which has befallen me). For, you must know, men of Athens, that when certain aliens, Anaximenes and Nicostratus, wished to become citizens, these scoundrels admitted them for a sum of money, which they divided among themselves, receiving five drachmae apiece. Eubulides and his clique will not deny on oath that they have knowledge of this ; and now in this last revision they did not expel these men. Do you think, then, that there is anything that they would not do in private, seeing that in a public matter they dared this ? There are many people 60 indeed, men of the jury, whom Eubulides and his clique have destroyed or have saved for money. For even at an earlier time (and my words shall bear upon the matter in hand, men of Athens) Antiphilus, the father of Eubulides, when he was prefect of the deme, as I have told you, made use of trickery in his desire to get money from certain persons, and asserted that he had lost the public register ; and he thereby induced the Halimusians to revise their list of members, denounced ten of their number, and had them expelled ; all of whom with one exception the court of justice restored. These facts all the older ones know. It is unlikely indeed that 61 they left on the list any who were not Athenians,

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καὶ τοὺς ὄντας πολίτας συνιστάμενοι ἐξέβαλον, οὓς τὸ δικαστήριον κατεδέξατο. καὶ ὢν ἐχθρὸς τῷ ἐμῷ πατρὶ τότε οὐ μόνον οὐ κατηγόρησεν, ἀλλ' οὐδὲ τὴν ψῆφον ἤνεγκεν ὡς οὐκ ἦν Ἀθηναῖος. τῷ τοῦτο δῆλον; ὅτι ἀπάσαι ἔδοξε δημότης εἶναι.

[1318] καὶ τί δεῖ περὶ τῶν πατέρων λέγειν; ἀλλ' Εὐβουλίδης αὐτὸς οὐτοσί, ἡνίκ' ἐνεγράφη ἐγὼ καὶ ὁμόσαντες οἱ δημόται δικαίως πάντες περὶ ἐμοῦ τὴν ψῆφον ἔφερον, οὔτε κατηγόρησεν οὔτ' ἐναντίαν τὴν ψῆφον ἤνεγκε· καὶ γὰρ ἐνταῦθα πάλιν με πάντες ἐψηφίσαντο δημότην. καὶ εἴ φασί με τοῦτο ψεύδεσθαι, ἐπὶ τοῦ ἐμοῦ ὕδατος ὅστις βούλεται  
 62 τούτων τὰναντία μαρτυρησάτω. εἰ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τοῦτο δοκοῦσιν οὔτοι λέγειν μάλιστ' ἰσχυρόν, ὡς ἀπεψηφίσαντό μου νῦν οἱ δημόται, ἐγὼ τετράκις ἐπιδεικνύω πρότερον, ὅθ' ὀσίως ἄνευ συστάσεως ἐψηφίσαντο, καὶ ἐμὲ καὶ τὸν πατέρα δημότας αὐτῶν εἶναι ψηφισαμένους, πρῶτον μὲν γε τοῦ πατρὸς δοκιμασθέντος, εἴτ' ἐμοῦ, εἴτ' ἐν τῇ προτέρᾳ διαψηφίσει, ὅτ' ἠφάνισαν οὔτοι τὸ γραμματεῖον· τὸ δὲ τελευταῖον προκρίναντές μ' ἐψηφίσαντ' ἐν τοῖς εὐγενεστάτοις κληρουσθαι τῆς ἱερωσύνης τῷ Ἡρακλεῖ. καὶ ταῦτα πάντα μεμαρτύρηται.

63 Εἰ δὲ δεῖ τὴν δημαρχίαν λέγειν, δι' ἣν ὠργίζοντό μοί τινες, ἐν ἧ διαφόρος ἐγενόμην εἰσπράττων  
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when they conspired to expel even men who were citizens, whom the court restored. And although he was a personal enemy of my father at the time, Eubulides not only did not denounce him, but did not even cast his vote that he was not an Athenian. How is this proved? Because my father was declared by all the votes to be a member of the deme. But what need is there to speak of our fathers? Eubulides himself, when I was entered on the register and all the demesmen after taking the oath cast their votes regarding me as the law prescribes, neither denounced me nor cast his vote against me; for in this case again they all voted that I was a member of the deme. And, if they say that I am lying about this, let anyone who wishes give evidence to the contrary in the time allotted to me. If, then, men 62 of Athens, my opponents seem to have a very strong argument in the fact that in the present instance the demesmen have rejected me, I point out to you that on four previous occasions, when they gave their votes in accordance with their oaths without entering into a conspiracy, they voted that both I and my father were their fellow-demesmen—first, when my father passed the scrutiny; secondly, when I did so; then, in the former revision, after these men had made away with the register; and, finally, when they nominated me among the noblest-born and voted that I should draw lots for the priesthood of Heracles. All these facts have been established by testimony.

If it be right for me to speak of my administration 63 as prefect, because of which I incurred the anger of many, and in the course of which I became involved in quarrels because I required some of the demesmen

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ὀφείλοντας πολλοὺς αὐτῶν μισθώσεις τεμενῶν καὶ  
 ἕτερ' ἅ τῶν κοινῶν διηρπάκεσαν, ἐγὼ μὲν ἂν  
 βουλοίμην ὑμᾶς ἀκούειν, ἀλλ' ἴσως ἔξω τοῦ πράγ-  
 ματος ὑπολήψεσθε ταῦτ' εἶναι. ἐπεὶ καὶ τοῦτ' ἔχω  
 δεικνύναι τεκμήριον ὡς συνέστησαν· ἔκ τε γὰρ τοῦ  
 ὄρκου ἐξήλειψαν τὸ ψηφιεῖσθαι γνώμη τῇ δικαιο-  
 64 τάτῃ καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας· καὶ γὰρ  
 τοῦτο φανερόν ἐγένετο, καὶ ὅτι γ' ἱεροσυλήσαντες  
 τὰ ὄπλα (εἰρήσεται γάρ), ἃ ἐγὼ ἀνέθηκα τῇ Ἀθηνᾷ,  
 καὶ τὸ ψήφισμ' ἐκκολάψαντες ὃ ἐμοὶ ἐψηφίσανθ'  
 [1319] οἱ δημόται, συνώμνουν οὔτοι ἐπ' ἐμ' οἱ ὑπ' ἐμοῦ  
 τὰ κοινὰ εἰσπραχθέντες. καὶ εἰς τοσοῦτ' ἀναιδείας  
 ἐληλύθασιν, ὥστ' ἔλεγον περιμόντες ἐμὲ τῆς ἀπο-  
 λογίας ἕνεκα ταῦτα ποιῆσαι. καὶ τίς ὑμῶν ἂν  
 καταγνοίῃ μου τοσαύτην μανίαν, ᾧ ἄνδρες δικασ-  
 σταί, ὥστε τηλικούτων ἕνεκα πρὸς τὸ πρᾶγμα  
 τεκμηρίων ἄξια θανάτου διαπράξασθαι, καὶ ἃ ἐμοὶ  
 65 φιλοτιμίαν ἔφερε, ταῦτ' ἀφανίζειν; τὸ δὲ πάντων  
 δεινότατον οὐ δήπου γε φήσαιεν ἂν ἐμὲ κατασκευά-  
 σαι. οὐ γὰρ ἔφθη μοι συμβᾶσ' ἢ ἀτυχία, καὶ  
 εὐθύς, ὥσπερ φυγάδος ἤδη μου ὄντος καὶ ἀπο-  
 λωλότος, τούτων τινὲς ἐπὶ τὸ οἰκίδιον ἐλθόντες τὸ  
 ἐν ἀγρῷ νύκτωρ, ἐπεχείρησαν διαφορῆσαι τᾶνδοθεν·  
 οὔτω σφόδρ' ὑμῶν καὶ τῶν νόμων κατεφρόνησαν.  
 καὶ ταῦτα τοὺς εἰδότας, ἐὰν βούλησθε, καλοῦμεν.  
 66 Πολλὰ δ' ἔχων καὶ ἄλλ' ἐπιδείξαι, ἃ τούτοις ἐστὶ  
 πεπραγμένα καὶ ἅ εἰσιν ἐψευσμένοι, ἡδέως μὲν ἂν

° That is, by throwing the odium for the act upon his  
 adversaries.



## AGAINST EUBULIDES, 63-66

to pay the rents which they owed for sacred lands and to refund other sums which they had embezzled from the public moneys, I should be very glad to have you listen to me ; but perhaps you will hold that these matters are foreign to the subject before us. However, I am able to point to this as a positive proof of their conspiracy. For they struck out of the oath the clause that they would vote according to their unbiassed judgement and without favour or malice. This became a matter of general know- 64  
 ledge, as did also the fact that the demesmen from whom I had exacted repayment of the public moneys swore a conspiracy against me, and by a sacrilegious theft stole from the temple the shields which I had dedicated to Athena (for the truth shall be told), and chiseled out the decree which the demesmen had passed in my honour. And they have come to such a pitch of shamelessness that they went about saying that I had done this for the sake of my defence.<sup>a</sup> Yet what man among you, men of the jury, would judge me so utterly insane as to commit an act punishable with death in order to secure so mighty a bit of evidence for my case, and then myself to destroy 65  
 an inscription which brought me honour ? But the most outrageous act of all I fancy they would hardly say that I myself contrived. For hardly had my misfortune came about, when immediately, as if I were already an exile and a ruined man, some of these people went by night to my cottage in the country and attempted to carry off what was there ; so utter was their contempt for you and for your laws. If you wish, I will call persons who know the facts.

Many are the other deeds of theirs which I could 66  
 point out and many the falsehoods which they have

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ὑμῖν λέγοιμι, ἐπειδὴ δ' ἔξω τοῦ πράγματος νομίζετ'  
 εἶναι, ἑάσω. ἀναμνήσθητε δ' ἐκείνων καὶ θεάσα-  
 σθε, ὡς πολλὰ καὶ δίκαι' ἔχων πρὸς ὑμᾶς ἦκω.  
 ὥσπερ γὰρ τοὺς θεσμοθέτας ἀνακρίνετε, ἐγὼ τὸν  
 67 αὐτὸν τρόπον ἐμαυτὸν ὑμῖν ἀνακρινῶ. “ὦ  
 ἄνθρωπε, τίς ἦν σοι πατήρ;” “ἐμοί; Θούκριτος.”  
 “οἰκεῖοί τινες εἶναι μαρτυροῦσιν αὐτῷ;” “πάνυ  
 γε, πρῶτον μὲν γε τέτταρες ἀνεψιοί, εἴτ' ἀνεψια-  
 δοῦς, εἴθ' οἱ τὰς ἀνεψιάς λαβόντες αὐτῷ, εἶτα  
 φράτερες, εἴτ' Ἀπόλλωνος πατρῶου καὶ Διὸς  
 ἐρκείου γεννηῆται, εἴθ' οἷς ἡρία ταυτά, εἴθ' οἱ  
 δημόται πολλάκις αὐτὸν δεδοκιμάσθαι καὶ ἀρχὰς  
 [1320] ἄρξαι, καὶ αὐτοὶ διεψηφισμένοι φαίνονται.” τὰ  
 μὲν τοίνυν περὶ τοῦ πατρὸς πῶς ἂν ὑμῖν δικαιο-  
 τερον ἢ καθαρώτερον ἐπιδείξαιμι; καλῶ δ' ὑμῖν  
 68 τοὺς οἰκεῖους, εἰ βούλεσθε. τὰ δὲ περὶ τῆς μητρὸς  
 ἀκούσατε. ἐμοί γάρ ἐστι μήτηρ Νικαρέτη Δαμο-  
 στρατοῦ θυγάτηρ Μελιτέως. ταύτης τίνες οἰκεῖοι  
 μαρτυροῦσι; πρῶτον μὲν ἀδελφιδοῦς, εἶτα τοῦ  
 ἐτέρου ἀδελφιδοῦ δὺ υἱοί, εἴτ' ἀνεψιαδοῦς, εἴθ' οἱ  
 Πρωτομάχου υἱεῖς τοῦ λαβόντος τὴν ἐμὴν μητέρα  
 πρότερον, εἴθ' ὁ τὴν ἀδελφὴν τὴν ἐμὴν τὴν ἐκ τοῦ  
 Πρωτομάχου γήμας Εὐνικὸς Χολαργεύς, εἴθ' υἱὸς  
 69 τῆς ἀδελφῆς. ἀλλὰ μὴν καὶ φράτερες τῶν οἰκεῖων  
 αὐτῆς καὶ δημόται ταῦτα μεμαρτυρήκασιν. τίνος  
 οὖν ἂν προσδέοισθε; καὶ γὰρ ὅτι κατὰ τοὺς νόμους  
 ὁ πατήρ ἔγημε καὶ γαμηλίαν τοῖς φράτερσιν εἰσ-

<sup>a</sup> See note a on p. 202 of vol. i.

<sup>b</sup> Called by this name because his statue stood in the ἔρκος, or enclosure.

## AGAINST EUBULIDES, 66-69

told, which I should be glad to enumerate to you ; but as you consider these alien to the matter in hand, I will leave them out. Bear in mind, however, the following points, and see how many just arguments I have in coming before you. For, just as you question the Thesmothetae <sup>a</sup> in their scrutiny, I will in the same manner question myself before you. "Sir, who was your father?" "My father?" 67 Thucritus." "Do any of your relatives give testimony in his favour?" "Certainly ; first, four cousins ; then, the son of a cousin ; then, those who are married to the female cousins ; then, the clansmen ; then, those of the *gens* who worship Apollo, our ancestral god, and Zeus, the god of the household <sup>b</sup> ; then, those who have the right to the same places of burial ; then, the members of the deme, who testify that he has often passed the scrutiny and held office, and who are shown themselves to have cast their votes in his favour." In all that concerns my father, then, how could I prove my case to you more fairly or more convincingly ? I will call my relatives before you, if you so wish. Now hear the facts regarding 68 my mother. My mother is Nicaretê, the daughter of Damostratus of Melitê. Who among her relatives give testimony ? First, a nephew ; then, two sons of her other nephew ; then, the son of a cousin ; then the sons of Protomachus, who was my mother's former husband ; then, Eunicus, of Cholargus, who married my sister, the daughter of Protomachus ; then, my sister's son. More than this, the clansmen 69 and the demesmen of her relatives have given this testimony. Of what, then, could you have further need ? Yet again, that my father married my mother according to the laws, and that he gave a

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ἤνεγκε μεμαρτύρηται. πρὸς δὲ τούτοις καὶ ἑμαυτὸν  
 ἐπέδειξα πάντων μετειληφότα, ὅσων προσήκει τοὺς  
 ἐλευθέρους. ὥστε πανταχῇ δικαίως καὶ προση-  
 κόντως ἡμῖν ἂν προσθέμενοι τὴν ψῆφον εὐορκοίητε.  
 70 ἔτι τοίνυν, ὦ ἄνδρες δικασταί, τοὺς ἐννέα ἄρχοντας  
 ἀνακρίνετε, εἰ γονέας εὖ ποιούσιν. ἐγὼ δὲ τοῦ μὲν  
 πατρὸς ὀρφανὸς κατελείφθην, τὴν δὲ μητέρ' ἰκε-  
 τεύω ὑμᾶς καὶ ἀντιβολῶ διὰ τοῦτον τὸν ἀγῶν'  
 ἀπόδοτέ μοι θάψαι εἰς τὰ πατρῶα μνήματα καὶ μὴ  
 με κωλύσητε, μηδὲ ἄπολιν ποιήσητε, μηδὲ τῶν  
 οἰκείων ἀποστερήσητε τοσοῦτων ὄντων τὸ πλήθος,  
 καὶ ὅλως ἀπολέσητε. πρότερον γὰρ ἢ προλιπεῖν  
 τούτους, εἰ μὴ δυνατὸν ὑπ' αὐτῶν εἶη σωθῆναι,  
 ἀποκτείναιμ' ἂν ἑμαυτόν, ὥστ' ἐν τῇ πατρίδι γ'  
 ὑπὸ τούτων ταφῆναι.

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marriage-feast to the members of the clan, has been proved by testimony. And besides all this, I have shown that I myself have shared in all the privileges which befit free men. On all grounds, therefore, you will act in accordance with your oaths, if you give your verdict in my favour as justice and right demand. Furthermore, men of the jury, when you 70 question the nine archons, you ask whether they act dutifully toward their parents. I for my part am left without a father, but for my mother's sake I beg and beseech you so to settle this trial as to restore to me the right to bury her in our ancestral tomb. Do not deny me this; do not make me a man without a country; do not cut me off from such a host of relatives, and bring me to utter ruin. Rather than abandon them, if it prove impossible for them to save me, I will kill myself, that at least I may be buried by them in my country.



# AGAINST THEOCRINES





## INTRODUCTION

THEOCRINES,<sup>a</sup> against whom this oration was delivered, had indicted the father of Epichares, the speaker, for proposing an illegal decree (the facts, so far as they can be gathered from the language of this speech, are given in note *b* on p. 312), and had secured his conviction. The penalty had been fixed at the enormous sum of ten talents, and this amount was subsequently doubled, since the debt was not discharged within the period prescribed by law.

The ruined man adjured his son to avenge him, and to do so while the father still lived, since at his death the son would inherit the disfranchisement which indebtedness to the state had entailed upon his father, and so would be debarred from the right of acting as public prosecutor. Epichares, therefore lodged a criminal information (ἐνδειξις) against Theocrines, charging that he too was a debtor to the state, yet had none the less continued to prefer indictments. This indebtedness on the part of Theocrines is stated to include the following items :

(1) Theocrines had lodged a denunciation (φάσις) against a certain Micon, a merchant, charging that he had conveyed grain to another port and not to Athens, but had failed to prosecute the case. For

<sup>a</sup> Perhaps alluded to in Oration XVIII § 313, where Demosthenes calls Aeschines " a tragic Theocrines."

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this he was liable to a fine of one thousand drachmae. The implication is plainly that he was bought off. The alternative view is that the charge was a baseless one, in which case the one lodging the denunciation was liable to imprisonment.

(2) Theocrines had been condemned to pay seven hundred drachmae to the hero of his tribe, but the fine had never been paid.

(3) Again, a penalty of five hundred drachmae had been assessed against the father of Theocrines for having sought to assert the liberty of a slave woman belonging to one Cephisodorus, and as this debt had never been discharged, Theocrines had inherited it, and with it the attendant disfranchisement.

Since these debts had not been discharged, and since Theocrines nevertheless continued to exert the right of preferring indictments, it was open to any citizen to lodge criminal information against him.

The speaker anticipates various arguments which Theocrines may be expected to bring forward in his defence—that he had never been registered as a state debtor in the list set up on the Acropolis, and that the fine of seven hundred drachmae had been incurred by his grandfather and not by himself; and vigorously attacks the defendant's claim to be an upholder of the democracy because of his persistence in attacking as illegal bills introduced into the assembly. On the contrary, Epichares insists that Theocrines is a mere pettifogger who attacks bills as illegal solely in the hope of being bought off by those proposing them.

The plaintiff also implies that he had had reason to expect the support of Demosthenes and other

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prominent men in the prosecution of his suit, but that they had all come to terms with his opponent and left him at a serious disadvantage owing to his youth and inexperience. His bitterness against Demosthenes is shown in many passages in the speech.

This speech is out of place among the private orations, as the suit is patently a public one, and it is equally clear that Demosthenes was not the author. Some ancient authorities attributed it to Deinarchus on account of the latter's well-known enmity toward Demosthenes, and this view has been accepted by some modern scholars, although both Schaefer and Blass reject it.

The reader is referred to Schaefer, iii. pp. 266 ff., and Blass, iii. pp. 498 ff.

## LVIII

### ΕΝΔΕΙΞΙΣ ΚΑΤΑ ΘΕΟΚΡΙΝΟΥ

[1322] Τοῦ πατρὸς ἡμῶν, ὦ ἄνδρες δικασταί, διὰ του-  
 τονὶ Θεοκρίνην ἀτυχήσαντος πρὸς τὴν πόλιν καὶ  
 ὀφλόντος δέκα τάλαντα, καὶ τούτου διπλοῦ γεγενη-  
 μένου, ὥστε μηδ' ἐλπίδ' ἡμῖν εἶναι σωτηρίας  
 μηδεμίαν, ἡγησάμην δεῖν ἐπὶ τῷ τιμωρήσασθαι  
 μεθ' ὑμῶν τοῦτον, μήθ' ἡλικίαν μήτ' ἄλλο μηδὲν  
 2 ὑπολογισάμενος, δοῦναι τὴν ἔνδειξιν ταύτην. καὶ  
 γὰρ ὁ πατήρ, ὦ ἄνδρες δικασταί, ᾧπερ πάντα  
 πειθόμενος πεποίηκα, πρὸς ἅπαντας ὠδύρετο τοὺς  
 γνωρίμους, εἰ παραλιπὼν ἐγὼ τὸν καιρὸν ἐν ᾧ διὰ  
 τὸ τὸν πατέρα ζῆν ἔξεστί μοι τοῦτον ἀμύνασθαι,  
 τὴν ἀπειρίαν καὶ τὴν ἡλικίαν προφασίζόμενος,  
 αὐτὸν μὲν περιόψομαι πάντων ἀπεστερημένον,  
 Θεοκρίνην δὲ παρὰ τοὺς νόμους γραφὰς γραφό-  
 μενον καὶ συκοφαντοῦντα πολλοὺς τῶν πολιτῶν,  
 3 οὐκ ἐξὸν αὐτῷ. δέομαι οὖν ὑμῶν ἀπάντων, ὦ  
 ἄνδρες Ἀθηναῖοι, καὶ ἱκετεύω μετ' εὐνοίας ἀκοῦσαί  
 μου, πρῶτον μὲν ὅτι τῷ πατρὶ βοηθῶν καὶ πειθό-

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<sup>a</sup> In the event of the father's death the son would inherit his ἀτιμία, or loss of civic rights, and would be debarred from bringing action.

## LVIII

### EPICHARES AGAINST THEOCRINES, A CRIMINAL INFORMATION

INASMUCH as my father, men of the jury, through this man Theocrines was brought to disaster in his relations to the state and condemned to pay a fine of ten talents, and as this fine has been doubled, so that we have not the slightest hope of deliverance, I have thought it my duty to lodge this criminal information with a view to taking vengeance upon the defendant with your aid, without taking into consideration my youth or anything else. For my father, men of the jury, whose wishes have guided me in all that I have done, declared to all his acquaintances what a misfortune it would be if I should let slip the time in which, thanks to his being still alive,<sup>a</sup> I have the right to avenge myself on this man, and should make an excuse of my inexperience and my youth, and so look idly on while my father has been deprived of everything, and while Theocrines continues to write indictments contrary to the laws and to harass many citizens with baseless and malicious actions, when he has no right to do so. I, therefore, beg you all, men of Athens, and beseech you to listen to me with goodwill, first, because I am engaging in this contest to help my

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μενος ἀγωνίζομαι, ἔπειθ' ὅτι καὶ νέος ὢν καὶ ἄπειρος, ὥστ' ἀγαπητὸν εἶναί μοι, εἰάν τῆς παρ' ὑμῶν ὑπαρξιάσης εὐνοίας δυνηθῶ δηλῶσαι τὰ πε-  
 4πραγμένα τούτῳ· πρὸς δὲ τούτοις, ὅτι, ὡς ἄνδρες  
 δικασταί, προδέδομαι (τὰ γὰρ ἀληθῆ πρὸς ὑμᾶς  
 εἰρήσεται) ὑπ' ἀνθρώπων, οἳ πιστευθέντες ὑφ' ἡμῶν  
 διὰ τὴν πρὸς τοῦτον ἔχθραν, καὶ πυθόμενοι τὰ  
 πράγματα καὶ φήσαντες ἐμοὶ συναγωνιεῖσθαι, ἐγ-  
 [1323] καταλελοίπασι νυνὶ με καὶ διαλέλυνται πρὸς τοῦτον  
 ἐν τοῖς ἐμοῖς πράγμασιν, ὥστε μοι μηδὲ τὸν  
 συνεροῦντ' εἶναι, εἰάν μή τις ἄρα τῶν οἰκείων  
 βοηθήσῃ.

5 Πολλαῖς μὲν οὖν ἐνδείξεσιν ἦν ἔνοχος οὗτος, καὶ  
 ἅπαντας τοὺς περὶ ταῦτα νόμους ἐφαίνετο παρα-  
 βεβηκώς· καινότατον δὲ τῶν ἔργων τῶν τούτου  
 τὴν περὶ τὸ πλοῖον φάσιν ἠϋρίσκομεν γεγонуῖαν,  
 διόπερ ταῦτα πρῶτα γράψας εἰς τὴν ἐνδειξιν  
 ἔδωκεν ὁ πατήρ μοι. πρῶτον μὲν οὖν τὸν νόμον  
 ὑμῖν ἀναγνώσεται τὸν περὶ τῶν φαινόντων καὶ οὐκ  
 ἐπεξιόντων, ἀλλὰ διαλυομένων παρὰ τοὺς νόμους·  
 ἐντεῦθεν γὰρ οἶμαι προσήκειν μοι τὴν ἀρχὴν ποιή-  
 σασθαι τοῦ λόγου· εἶτα τὴν φάσιν αὐτὴν ἣν οὗτος  
 ἐποίησατο κατὰ τοῦ Μίκωνος.

Λέγε.

### ΝΟΜΟΣ

6 Ὁ νόμος οὗτος, ὡς ἄνδρες δικασταί, τοῖς προ-  
 αιρουμένοις ἢ γράφεσθαι γραφὰς ἢ φαίνειν ἢ ἄλλο  
 τι ποιεῖν τῶν ἐν τῷ νόμῳ τούτῳ γεγραμμένων  
 προλέγει διαρρήδην, ἐφ' οἷς ἕκαστόν ἐστι τούτων

<sup>a</sup> This is commonly believed to be a fling at Demosthenes.

## AGAINST THEOCRINES, 3-6

father and in obedience to his wishes ; and secondly, because I am both young and without experience, so that I must count myself fortunate if, because your goodwill is at hand to help me, I shall be able to show what this fellow has done ; and in addition 4 to these reasons, since I, men of the jury, have been betrayed (for the truth shall be told you) by persons in whom I trusted because of their enmity to the defendant, men who after hearing the facts and promising to stand by me, have now left me in the lurch,<sup>a</sup> and have come to terms with the defendant in this suit of mine ; so that I shall have no one even as a fellow-pleader, unless someone from among my own kinsmen shall come to my aid.

This man was liable to many criminal informations, 5 and has transgressed all the laws which bear upon these matters ; but the most unheard-of among his acts we found to be the denunciation which he lodged concerning the merchant ship ; so that my father put this at the head of the criminal information which he gave me. First, then, the clerk shall read to you the law regarding those who lodge denunciations and do not carry them through, but compromise in defiance of the laws. For it is with this, I think, that I ought to begin my speech. Then will follow the denunciation itself which the defendant lodged against Micon.

*(To the clerk.)* Read.

### THE LAW

This law, men of the jury, expressly prescribes for 6 those who undertake either to prefer indictments or lodge denunciations or do any other of the acts specified in the law, the conditions under which each

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ποιητέον. ἔστι δὲ ταῦθ', ὡςπερ ἠκούσατ' ἐξ αὐτοῦ τοῦ νόμου, εἴαν ἐπεξιῶν τις μὴ μεταλάβῃ τὸ πέμπτον μέρος τῶν ψήφων, χιλίας ἀποτίνειν, κὰν μὴ ἐπεξίῃ γ', ὦ Θεοκρίνη, χιλίας ἑτέρας, ἵνα μήτε συκοφαντῇ μηδεὶς, μήτ' ἄδειαν ἔχων ἐργολαβῇ καὶ καθυφιῇ τὰ τῆς πόλεως.

Φημί δὴ κατὰ ταύτην τὴν ἔνδειξιν ἔνοχον εἶναι Θεοκρίνην, τῷ φήναντα Μίκωνα Χολλείδην μὴ ἐπεξελεθεῖν, ἀλλ' ἀργύριον λαβόντ' ἀποδόσθαι τὸ  
7 πρᾶγμα. καὶ τοῦτ' ἀποδείξω σαφῶς, ὡς ἐγὼ νομίζω. καίτοι Θεοκρίνης γ', ὦ ἄνδρες δικασταί, καὶ οἱ μετὰ τούτου, οὐδὲν ὅ τι οὐ πεποιήκασι προσιόντες τοῖς μάρτυσι, τὰ μὲν ἀπειλοῦντες αὐ-  
[1324] τοῖς, τὰ δὲ πειθόντες μὴ μαρτυρεῖν. ἀλλ' ὅμως εἴαν ὑμεῖς βούλησθε τὰ δίκαια βοηθεῖν μοι, καὶ κελεύητ' αὐτούς, μᾶλλον δ' ἀναγκάζοντος ἐμοῦ συναναγκάζητε, ἥτοι μαρτυρεῖν ἢ ἐξόμνησθαι, καὶ μὴ ἔατε λόγους λέγειν, εὐρεθήσεται τάληθές.

Λέγ' οὖν πρῶτον μὲν τὴν φάσιν, εἶτα τὰς μαρτυρίας.

### ΦΑΣΙΣ

- 8 Ταύτην τὴν φάσιν, ὦ ἄνδρες δικασταί, ἔδωκε μὲν οὗτος προσκαλεσάμενος τὸν Μίκωνα, ἔλαβε δ' ὁ γραμματεὺς ὁ τῶν τοῦ ἐμπορίου ἐπιμελητῶν, Εὐθύφημος. ἐξέκειτο δὲ πολὺν χρόνον ἔμπροσθεν τοῦ συνεδρίου, ἕως λαβὼν ἀργύριον οὗτος εἶασε

<sup>a</sup> The ἐπωβελία (see note *a* on p. 50 of vol. i.) was exacted also in criminal suits, and the prosecutor who did not receive the fifth part of the votes was also fined a thousand drachmae.

<sup>b</sup> Cholleidae, a deme of the tribe Leontis.



## AGAINST THEOCRINES, 6-8

one of these things is to be done. These are, as you have heard from the law itself, that, if a man prosecutes and does not receive the fifth part of the votes,<sup>a</sup> he shall pay a fine of a thousand drachmae, and if he does not prosecute, Theocrines, he shall pay another thousand, to the end that no one may bring forward baseless charges, or with impunity make profit for himself or compromise the interests of the state.

I declare, then, that in accordance with this criminal information Theocrines is liable for having denounced Micon of Cholleidae,<sup>b</sup> and then having accepted money and sold the case instead of prosecuting it. I believe that I shall prove this clearly. 7 And yet, men of the jury, Theocrines and his clique have gone to all lengths in tampering with the witnesses, and trying to induce them by threats and by bribes not to give testimony. Nevertheless, if you will give me the aid which you are bound to give, and will bid them, or rather join with me in compelling them, either to testify, or to disclaim knowledge under oath, and will not allow them to talk at random, the truth will be brought to light.

(*To the clerk.*) Read, then, first the denunciation and then the depositions.

### THE DENUNCIATION

This denunciation, men of the jury, was lodged 8 by the defendant after he had cited Micon to appear. It was received by Euthyphemus, the secretary of the overseers of the port, and was exposed to public view for a long time in front of the meeting-place of the board, until this fellow was bribed to allow

## DEMOSTHENES

διαγραφῆναι καλούντων αὐτὸν εἰς τὴν ἀνάκρισιν τῶν ἀρχόντων.

“Ὅτι δὲ ταῦτ’ ἀληθῆ λέγω, πρῶτον μὲν κάλει ὃς ἐγραμμάτευε τῇ ἀρχῇ, Εὐθύφημον.

### ΜΑΡΤΥΡΙΑ

- 9 Λέγε δὴ καὶ τὴν τῶν ἰδόντων ἐκκειμένην τὴν φάσιν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

Κάλει δὴ καὶ τοὺς τοῦ ἐμπορίου ἐπιμελητάς, καὶ αὐτὸν τὸν Μίκων’ οὗ ἔφηγε τὸ πλοῖον· καὶ τὰς μαρτυρίας ἀναγίγνωσκε.

### ΜΑΡΤΥΡΙΑΙ

- 10 Ὡς μὲν τοίνυν, ὦ ἄνδρες δικασταί, ἔφηγε Θεοκρίνης τὸ τοῦ Μίκωνος πλοῖον, καὶ ὡς ἐξέκειτο πολὺν χρόνον ἢ φάσις, καὶ ὡς εἰς τὴν ἀνάκρισιν καλούμενος οὐχ ὑπήκουσεν οὐδ’ ἐπεξῆλθεν, ἀκηκόατε μαρτυρούντων οὓς εἰδέναι μάλιστα προσῆκεν. ὅτι δ’ οὐ ταῖς χιλίαις μόνον ἔνοχός ἐστιν, ἀλλὰ καὶ ἀπαγωγῇ καὶ τοῖς ἄλλοις, ἃ κελεύει πάσχειν ὁ νόμος οὕτοσιν τὸν συκοφαντοῦντα τοὺς ἐμπόρους καὶ τοὺς ναυκλήρους, ῥαδίως ἐξ αὐτοῦ τοῦ νόμου
- 11 γνῶσεσθε. βουλόμενος γὰρ ὁ τὸν νόμον τιθεῖς, μήτε τοὺς ἀδικοῦντας τῶν ἐμπόρων ἀθῶους εἶναι, μήτε τοὺς ἄλλους πράγματ’ ἔχειν, ἀπλῶς ἀπέειπε τοῖς τοιούτοις τῶν ἀνθρώπων μὴ φαίνειν, εἰ μὴ

## AGAINST THEOCRINES, 8-11

it to be crossed out, just when the magistrates were summoning him for the preliminary hearing.

To prove that these statements of mine are true, (*to the clerk*) call first Euthyphemus, who was secretary of the board.

### THE DEPOSITION

Now read the deposition of those who saw the 9 denunciation exposed to view.

### THE DEPOSITION

Call now also the overseers of the port and Micon himself, against whose ship Theocrines lodged the denunciation ; and read their depositions.

### THE DEPOSITIONS

Therefore, men of the jury, that Theocrines did 10 lodge a denunciation against the ship of Micon, and that the denunciation was exposed for a long time to public view, and again that, when summoned to the preliminary hearing, he did not answer, nor did he prosecute the case, you have heard from witnesses who were in the best position to know the truth. And that he is liable, not to the fine of a thousand drachmae merely, but also to arrest and to the other punishments which the law declares shall be inflicted upon anyone who prefers baseless charges against merchants and shipowners, you will readily learn from the law itself. For the proposer of this law, 11 in his desire that those of the merchants who were guilty of wrongdoing should not go unpunished, and that those who were innocent should not be annoyed, absolutely forbade a person of this sort to make denunciations unless he were confident that he could

## DEMOSTHENES

πιστεύει τις αὐτῷ δείξειν ἐν ὑμῖν γεγενημένα περὶ ὧν ποιεῖται τὴν φάσιν· ἐὰν δέ τις παρὰ ταῦτα ποιῆ τῶν συκοφαντούντων, ἔνδειξιν αὐτῶν εἶναι καὶ ἀπαγωγὴν.

Μᾶλλον δὲ λέγε τὸν νόμον αὐτόν· πολὺ γὰρ ἐμοῦ σαφέστερον διδάξει.

### ΝΟΜΟΣ

12 Ἀκούετε τῶν νόμων, ἃ κελεύουσι πάσχειν, ὧ ἄνδρες δικασταί, τὸν συκοφάντην. οὐκοῦν εἰ μὲν τι πεποηκότα τούτων ὧν ἔγραψεν ἐν τῇ φάσει Θεοκρίνης πεποηκέναι τὸν Μίκωνα, καθυφεῖκε τὸ πρᾶγμα καὶ διαλέλυται πρὸς τὸν ἄνθρωπον, ἀδικεῖ πάντας ὑμᾶς καὶ δικαίως ἂν ὀφείλοι τὰς χιλίας. εἰ δὲ πλεύσαντα δικαίως οἱ προσῆκεν (ἔστω γὰρ ὁπότερον οὗτος βούλεται) φαίνει καὶ προσκαλεῖται, συκοφαντεῖ τοὺς ναυκλήρους, καὶ τὸν νόμον οὐ μόνον τὸν πρότερον, ἀλλὰ καὶ τὸν ἀρτίως ἀναγνωσθέντα παραβέβηκε, καὶ καταμεμαρτύρηκεν αὐτοῦ

13 μηδὲν ὑγιὲς μήτε λέγειν μήτε πράττειν. τίς γὰρ ἂν παρὲς τὸ δικαίως πράττων λαβεῖν τὸ μέρος τῶν χρημάτων κατὰ τὸν νόμον, διαλυσάμενος ἐβουλήθη μικρὰ κερδᾶναι καὶ τούτοις ἔνοχον αὐτόν καταστήσαι τοῖς νόμοις, ἐξόν, ὅπερ ἀρτίως εἶπον, τὰ ἡμίσεια τῶν φανθέντων λαβεῖν; οὐδ' ἂν εἷς, ὧ [1326] ἄνδρες δικασταί, μὴ οὐ συνειδῶς ἑαυτῷ συκοφαντοῦντι.

## AGAINST THEOCRINES, 11-13

prove in your court that the things charged in his denunciation had actually taken place ; but that if any one of those who bring baseless charges should transgress this law, he should be liable to criminal information and arrest.

(*To the clerk.*) However, read them the law itself ; for it will explain the matter more clearly than I can do.

### THE LAW

You hear, men of the jury, the penalties which 12 the laws ordain for the one who brings baseless charges. Well then, if Micon has done any of the acts which Theocrines in his denunciation charged him with doing, and Theocrines has compromised the matter and come to terms with the man, he is guilty of a crime against you all, and would justly be fined a thousand drachmae. But if Micon sailed to a port to which he might legitimately sail (let the defendant choose either alternative), and Theocrines none the less denounces and summons him, he is bringing a baseless charge against the shipowners, and has violated not only the former law, but also the one just read, and has convicted himself of dishonesty both in his words and in his actions. For 13 what man would have desisted from an honest course of action by which he would have received the share of the money which the law allows, and have rather chosen to make a trifling gain by a compromise and render himself amenable to these laws, when, as I said just now, he might have received half the sum involved in the denunciation ? No man in the world would have done so, men of the jury, unless he were conscious that he was bringing baseless and malicious charges.

## DEMOSTHENES

- 14 Δύο μὲν τοίνυν οὔτοι νόμοι εἰσὶν οὓς παραβέβηκεν ὁ τοὺς ἄλλους παρανόμων γραφόμενος· ἕτερον δὲ τρίτον, ὃς ὁμοίως κελεύει κατὰ τε τῶν ὀφειλόντων τῷ δημοσίῳ τὰς ἐνδείξεις τὸν βουλόμενον ποιεῖσθαι τῶν πολιτῶν, καὶ ἔάν τις ὀφείλῃ τῇ Ἀθηνᾷ ἢ τῶν ἄλλων θεῶν ἢ τῶν ἐπωνύμων τῶ. ὃ φανήσεται οὔτος, ὀφείλων καὶ οὐκ ἐκτετεικῶς ἐπτακοσίας δραχμάς, ἅς ὠφλεν ἐν ταῖς εὐθύναις τῷ ἐπωνύμῳ τῆς αὐτοῦ φυλῆς.

Καί μοι λέγε τοῦτ' αὐτὸ τοῦ νόμου.

### ΝΟΜΟΣ

- 15 Ἐπίσχεσ. ἀκούεις οὐτοσί, τί λέγει; “ ἢ τῶν ἐπωνύμων τῶ.”  
 Λέγε δὴ τὴν τῶν φυλετῶν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

- Ταχύ γ' ἂν οὔτος, ὧ ἄνδρες δικασταί, ἀνθρώπων ὀλίγων φροντίσειεν ἢ τῶν τὸν πλείστον τοῦ χρόνου πλεόντων, ὥσπερ ὁ Μίκων, ὅστις τοὺς φυλέτας παρόντας οὔτ' ἔδεισεν οὔτ' ἠσχύνθη, τοῦτο μὲν οὔτως αὐτῶν τὰ κοινὰ διοικήσας, ὥστ' ἐκείνους κλοπῆν αὐτοῦ καταγνῶναι, τοῦτο δ' ὀφλῶν καὶ τοὺς νόμους ἀκριβῶς εἰδῶς, ὅτι κωλύουσιν αὐτὸν γράφεσθαι γραφὰς ἕως ἂν ἐκτείσῃ, βιαζόμενος καὶ νομίζων δεῖν, τοὺς μὲν ἄλλους τοὺς ὀφείλοντας μηδενὸς μετέχειν τῶν κοινῶν, αὐτὸν δὲ κρείττω  
 16 τῶν νόμων εἶναι. φήσει τοίνυν τὸν πάππον, οὐχ

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<sup>a</sup> The legendary figures after whom the various tribes were named. They each had their tribal shrines.

## AGAINST THEOCRINES, 14-16

These are two laws, then, which this man, who 14  
indicts others for illegal acts, has himself violated.  
There is a third law also, which enacts that any one  
of the citizens who pleases may lodge criminal in-  
formations against those who owe money to the  
treasury, or if any man is indebted to Athena or to  
any one of the rest of the gods, or of the eponymous  
heroes.<sup>a</sup> In this class the defendant will be shown  
to belong; for he owes, and has not paid, seven  
hundred drachmae, which he was condemned at the  
audit to pay to the eponymus of his tribe.

(*To the clerk.*) Read that part of the law.

### THE LAW

Stop reading. (*To Theocrines.*) Do you hear, 15  
fellow, what it says?—"or to any one of the epony-  
mous heroes."

(*To the clerk.*) Read the deposition of the members  
of the tribe.

### THE DEPOSITION

It is likely indeed, men of the jury, that the  
defendant would have regard for few persons and for  
those who spend most of their time at sea, as Micon  
does, when he felt neither fear nor shame in the  
presence of his tribesmen, in the first place, when  
administering their public business in such a way  
that they convicted him of embezzlement, and in the  
second place, although he had been fined and knew  
well that the laws forbade him to prefer indictments  
until he should pay, when defying the laws and  
holding that, while other state-debtors could exercise  
no public function, he had the right to be superior  
to the laws. He will, to be sure, assert that it is 16

## DEMOSTHENES

αὐτὸν εἶναι τὸν ἐν τῷ γραμματείῳ γεγραμμένον, καὶ περὶ τούτου πολλοὺς ἐρεῖ λόγους, ὡς ἐκεῖνός ἐστιν. ἐγὼ δὲ τὸ μὲν ἀκριβές, ὁπότερός ἐστιν, οὐκ ἔχω λέγειν· εἰ δ' οὖν ἐστιν ὡς οὗτος ἐρεῖ, πολὺ δικαιότερον εἶναι νομίζω καταψηφίσασθαι ὑμᾶς  
 17 αὐτοῦ, εἰ ταῦθ' οὕτως ἐστίν. εἰ γὰρ ὀφείλοντος  
 [1327] αὐτῷ τοῦ πάππου πάλαι, καὶ τοῦ νόμου κελεύοντος κληρονομεῖν τοῦτον τῶν ἐκείνου, προσῆκον αὐτῷ μηδὲ πάλαι γράφεσθαι ἐγράφετο, καὶ διὰ τοῦτ' οἰήσεται δεῖν ἀποφεύγειν, ὅτι πονηρὸς ἐκ τριγωνίας ἐστίν, οὐ δίκαι' ἐρεῖ, ὧ ἄνδρες δικασταί.

Ὡς οὖν καὶ παρ' αὐτοῦ Θεοκρίνου ὁμολογεῖται τοῦτ' εἶναι τὸ ὄφλημα, καὶ κατετάξατο τοῖς φυλέταις ὑπὲρ αὐτοῦ καὶ τοῦ ἀδελφοῦ, καὶ τοῖς βουλομένοις εὐορκεῖν οὐ καλῶς ἔχει ταύτην ἀπογινώσκειν τὴν ἔνδειξιν, λαβέ μοι τὸ ψήφισμ' ὃ  
 18 εἶπεν ἐν τοῖς φυλέταις Σκιρωνίδης. προσελθὼν γὰρ οὗτοσί Θεοκρίνης ὠμολόγησεν ὀφείλειν καὶ ἐκτεῖσειν ἐναντίον τῶν φυλετῶν, ἐπειδὴ προσιόντας ἡμᾶς ἤσθετο καὶ βουλομένους ἀντίγραφα τῶν ἐν τῷ γραμματείῳ γεγραμμένων λαβεῖν.

### ΨΗΦΙΣΜΑ

Πολύ γ' ἂν, ὧ ἄνδρες Ἀθηναῖοι, Λεωντίδας τοὺς ἀναγκάσαντας ἀποδοῦναι Θεοκρίνην τὰς ἐπτὰ μνᾶς ἐπηνέσατ' ἂν μᾶλλον ἢ τοῦτον.  
 19 Τέταρτος τοίνυν νόμος ἐστίν (ὁμολογῶ γὰρ τῶν  
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his grandfather and not himself who is entered on the register as a debtor to the state, and in regard to this will talk at length to prove that it is he. I myself cannot say with certainty which of the two it is ; but supposing it to be as he will claim, I think that you will be under far greater obligation to convict him, if this is the case. For if his grandfather 17 was a state-debtor long ago and the law ordains that he be his grandfather's heir—if, though he long ago lost the right to prefer indictments, he still continued to prefer them ; and if he is going to assume that he ought to be acquitted just because he is a scoundrel of the third generation, there will be no justice in his plea, men of the jury.

To prove that it is admitted by Theocrines himself that this debt is his own and that he arranged with the members of the tribe on behalf of his brother and himself for its payment, and that no jury which has regard to its oath could honourably hold that this criminal information is without foundation, (to the clerk) take, please, the bill which Scironides introduced in the meeting of the tribe. For this 18 man Theocrines came forward, admitted the debt and in the presence of the members of the tribe promised to pay it, when he saw that we were coming up and were planning to take a copy of what stood written in the register.

#### THE DECREE

With much better reason, men of Athens, would you commend the members of the tribe Leontis, who compelled Theocrines to pay the seven minae, than this fellow himself.

There is now a fourth law (for I admit that I have 19

- τούτῳ πεπραγμένων τὰ πλείστ' ἐξητακέσαι) καθ' ὃν ὀφείλει πεντακοσίας δραχμὰς Θεοκρίνης οὐτοσί, οὐκ ἐκτετεικότος αὐτῷ τοῦ πατρὸς ἄς προσῶφλεν ἀφελόμενος τὴν Κηφισοδώρου θεράπαιναν εἰς ἐλευθερίαν, ἀλλὰ διοικησαμένου πρὸς Κτησικλέα τὸν λογογράφον, ὃς ἦν ἐπὶ τοῖς τῶν ἀντιδίκων πράγμασιν, ὥστε μήτ' ἐκτεῖσαι μήτ' εἰς ἀκρόπολιν
- 20 ἀνενεχθῆναι. ἄς οὐδὲν ἦττον, οἶμαι, Θεοκρίνης ὀφείλει νυνὶ κατὰ τὸν νόμον. οὐ γὰρ ἔαν Κτη-
- [1328] σικλῆς ὁ μέτοικος συγχωρήσῃ τούτῳ, πονηρὸς πονηρῷ, μὴ παραδοθῆναι τοῖς πράκτορσι τὸν προσοφλόντα κατὰ τὸν νόμον, διὰ τοῦτο δεῖ τὴν πόλιν ἀπεστερῆσθαι τῶν ἐκ τῶν νόμων ἐπικειμένων ζημιῶν, ἀλλὰ προσήκει τοὺς ἀντιδίκους ὑπὲρ μὲν τῶν ἰδίων, ὅπως ἂν αὐτοὺς πείθωσι, διοικεῖσθαι πρὸς ἀλλήλους, ὑπὲρ δὲ τῶν πρὸς τὸ δημόσιον, ὅπως ἂν οἱ νόμοι κελεύωσιν.
- 21 Καί μοι λέγε τόν τε νόμον, ὃς κελεύει τὸ ἥμισυ τοῦ τιμήματος ὀφείλειν τῷ δημοσίῳ, ὃς ἂν δόξῃ μὴ δικαίως εἰς τὴν ἐλευθερίαν ἀφελῆσθαι, καὶ τὴν τοῦ Κηφισοδώρου μαρτυρίαν.

NOMOS. ΜΑΡΤΥΡΙΑ

Λέγε δὴ κακείνον τὸν νόμον, τὸν ἀπ' ἐκείνης κελεύοντα τῆς ἡμέρας ὀφείλειν, ἀφ' ἧς ἂν ὄφλη, ἔάν τ' ἐγγεγραμμένος ᾖ, ἔάν τε μή.

<sup>a</sup> In such cases, if the parties could not come to an agreement as to whether the person in question was slave or free, the matter came into court. In the present instance the father of Theoclines had evidently not been able to make good his claim that the servant in question was a free woman, and had been ordered to pay damages to his adversary and a like sum (hence the compound verb, προσῶφλεν) as a fine to the state. See Meier and Schömann, ii. pp. 658 ff.

## AGAINST THEOCRINES, 19-21

looked closely into most of the things which the defendant has done) according to which this Theocrines owes five hundred drachmae, since his father had not paid a fine of that amount to which he had been sentenced for having sought to maintain that the maid-servant of Cephisodorus was a free woman.<sup>a</sup> No; he fixed things with Ctesicles, the speech-writer, who was acting in the matter for his opponents, in such a way that he should neither pay the damages nor be listed on the acropolis as a debtor to the state. Despite this fact, I maintain that <sup>20</sup> Theocrines still owes the money according to the law. For if Ctesicles, the resident alien, did make an agreement with this fellow, as one scoundrel with another, that one sentenced to pay the fine in accordance with the law should not be handed over to the collectors, the state should not on that account be robbed of the penalties imposed by the laws. No indeed; it is right for the parties in a suit to make whatever arrangement they may mutually agree upon in private affairs, but in matters which concern the public they must act as the law ordains.

(*To the clerk.*) Read, please, the law which declares <sup>21</sup> that anyone who is adjudged to have wrongfully asserted the freedom of a slave shall pay half the sum assessed into the public treasury, and then read also the deposition of Cephisodorus.

### THE LAW. THE DEPOSITION

Now read that law also, which declares that a man shall be regarded as a debtor from the day on which he incurs the fine, whether he has been entered on the public register or not.

# DEMOSTHENES

## NOMOS

- 22 Πῶς οὖν ἄλλως, ὦ ἄνδρες δικασταί, προσήκει τὸν δικαίως κατηγοροῦντ' ἀποφαίνειν ὀρθῶς ἐνδεδειγμένον Θεοκρίνην τουτονί, καὶ μὴ μόνον ἔνοχον ὄντα τῇ ἐνδείξει κατὰ τὰς χιλίας ἐφ' αἷς ἐνδέδεικται, ἀλλὰ καὶ πολλοῖς ἄλλοις ὀφλήμασιν; ἐγὼ μὲν οὐδαμῶς νομίζω. οὐ γὰρ δὴ προσδοκᾶν γε δεῖ Θεοκρίνην αὐτὸν ὁμολογήσειν ὀφείλειν ὑμῖν τῷ δημοσίῳ καὶ δικαίως ἐνδεδείχθαι φήσειν, ἀλλὰ τοῦναντίον πάντα λόγον μᾶλλον ἐρεῖν καὶ πάσας αἰτίας οἴσειν, ὡς καταστασιάζεται; ὡς διὰ τὰς τῶν
- 23 παρανόμων γραφὰς εἰς ταῦθ' ἤκει. λοιπὸν γὰρ ἐστὶ τοῦτο τοῖς ἐν αὐτοῖς τοῖς πράγμασιν ἐξελεγκομένοις, αἰτίας καὶ προφάσεις εὐρίσκειν, αἵτινες τοῦ παρόντος ὑμᾶς ποιήσουσι πράγματος ἐπιλαθομένους τοῖς ἔξω τῆς κατηγορίας λόγοις προσέχειν. ἐγὼ δ', ὦ ἄνδρες δικασταί, εἰ μὲν
- [1329] ἐώρων ἐν τοῖς ἀνεγνωσμένοις νόμοις γεγραμμένον “ ταῦτα δ' εἶναι κύρια περὶ τῶν συκοφαντούντων, ἂν μὴ Θεοκρίνης ἐνδειχθεὶς αἰτιᾶσθαι βούληται Θουκυδίδην ἢ Δημοσθένην ἢ καὶ τῶν πολιτευομένων ἄλλον τινά,” ἡσυχίαν ἂν ἤγον. νῦν δὲ τούτων οὐδεμίαν ὀρῶ τῶν σκήψεων ὑπόλογον οὔσαν ἐν τοῖς νόμοις, οὐδὲ καινήν, ὥστε προσέχειν νῦν πρῶτον ἀκούσαντας, ἀλλὰ μυριάκις παρὰ τῶν
- 24 κρινομένων εἰρημένην. ἀκούω δὲ καὶ τῶν πρεσβυτέρων, ὦ ἄνδρες δικασταί, ὡς ἄρα προσῆκόν

\* This Thucydides was an orator of the party of Demosthenes.

THE LAW

In what other way, men of the jury, could an 22  
honest prosecutor show that the criminal information  
has been rightly brought against this Theocrines,  
and that he is liable, not only to the fine of a  
thousand drachmae, which forms the basis of the  
information, but to many other penalties as well?  
To my mind there is no other way. For surely you  
cannot expect that Theocrines will himself admit  
the indebtedness to your treasury and say that the  
criminal information has been lodged against him  
with justice. On the contrary, he will say anything  
rather than this. He will bring forward all manner  
of charges, alleging that a cabal is working against  
him, and that he has come into this danger because  
of the indictments which he has preferred for illegal  
actions. For this is the last resource of those con- 23  
victed on the facts of the case—to invent charges  
and excuses which will make you forget the question  
before you and give attention to arguments which  
are alien to the accusation. But I, men of the jury, if  
I had seen in the laws which have just been read  
a clause to this effect: “these provisions regarding  
those who bring malicious charges shall be in force  
unless Theocrines, a criminal information having been  
laid against him, shall see fit to denounce Thucydides<sup>a</sup>  
or Demosthenes or any other of the men in public  
life,” I should have kept quiet; but as it is, I find that  
no such excuse is taken into consideration in the  
laws, nor is it new, so that those now hearing it  
for the first time should pay attention to it; on the  
contrary it has been used ten thousand times by  
people on trial. I am also told, men of the jury, 24  
by those who are older than I, that it is proper that

## DEMOSTHENES

ἔστιν ὅλως μὲν μηδενὶ μηδεμίαν συγγνώμην ὑπάρχειν παραβαίνοντι τοὺς νόμους, εἰ δ' ἄρα δεῖ, μὴ τοῖς συνεχῶς οὔσι πονηροῖς μηδὲ τοῖς ἐπ' ἀργυρίῳ τοὺς νόμους προΐεμένοις (οὐ γὰρ εἰκός), ἀλλ' οἷτινες ἂν διὰ τὴν αὐτῶν ἀπραγμοσύνην ἄκοντές τι τῶν γεγραμμένων παραβῶσιν. ὦν οὐδεὶς ἂν δήπου Θεοκρίνην τουτουὶ φήσειεν εἶναι, ἀλλὰ τούναντίον οὐδενὸς τῶν ἐν τοῖς νόμοις ἄπειρον.

- 25 Διὸ καὶ δεῖ φυλάττειν αὐτόν, μὴ πρὸς τοὺς ἐμοὺς λόγους μηδὲ τοὺς ὑπὸ τούτων ῥηθησομένους ἀποβλέποντας. οὐ γὰρ δίκαιον τοὺς ὑπὲρ τῶν νόμων καθημένους μακροῖς λόγοις καὶ κατηγορίαις προσέχειν, ἀλλ' οἷς ἅπαντες ῥαδίως ἐπακολουθήσετε, καὶ δι' ὧν δόξετε πᾶσι τοῖς ἐν τῇ πόλει τῶν νόμων ἀξίως ταύτην τὴν ἔνδειξιν δικάσαι, σαφῶς ἐρωτῶντας "τί λέγεις, Θεοκρίνη καὶ πάντες οἱ τῶν αὐτῶν τούτῳ μετέχοντες; · ἀξιούθ' ἡμᾶς, κατὰ τοὺς νόμους ὁμωμοκότας δικάσειν, παρὰ τούτους
- 26 διὰ τοὺς ὑμετέρους λόγους ψηφίζεσθαι; μεμαρτυρηκότος μὲν ἡμῖν τοῦ Μίκωνος, καθ' οὗ δούς Θεοκρίνης οὔτοσὶ τὴν φάσιν οὐκ ἐπεξῆλθε, καὶ πεποιηκότος αὐτὸν τούτοις ὑπόδικον, ὁμολογοῦντος δὲ τοῦ γραμματέως λαβεῖν τὴν φάσιν παρὰ τούτου,
- 1330] καὶ πεποιηκυίας τῆς μαρτυρίας τῆς ὀλίγον τι πρότερον ἀναγνωσθείσης αὐτὸν ὑπόδικον; ἔτι δὲ τῶν τοῦ ἐμπορίου ἐπιμελητῶν μόλις μὲν, ἀλλ' οὖν ταῦτά τούτοις, μεμαρτυρηκότων; πρὸς δὲ τούτοις τῶν ἰδόντων ἐκκειμένην τὴν φάσιν καὶ προσελθόν-

in no case whatever should pardon be shown to one who transgresses the laws, but if pardon is to be shown, it should not be to those who are habitual offenders or to those who betray the laws for a bribe (surely not that!), but to those who through their own inexperience unintentionally transgress some provision of the law. No man, I take it, would say that Theocrines here belongs to this latter class, but on the contrary that there is no provision of the law with which he is not acquainted.

You must, therefore, watch him, and have regard <sup>25</sup> neither to my words nor to those which will be spoken by his side. For it is not right that those who sit here to defend the laws should pay attention to long speeches and accusations, but only to those which you will all easily follow, and by the help of which you will be thought by all the citizens to have decided this information in a manner worthy of the laws. You should ask in plain terms, "What do you mean, Theocrines, and all you who follow the same pursuits as he does? Do you demand that we who have sworn that we will give our verdict according to the laws shall vote contrary to the laws because of your speeches? Do you demand this, when Micon, <sup>26</sup> against whom Theocrines filed his denunciation but did not proceed with it, has given evidence before us, and has made himself responsible to these jurors?—when the secretary acknowledges that he received the denunciation from the defendant, and has been made responsible by the deposition which was read a little while ago?—when, furthermore, the overseers of the port have, unwillingly, to be sure, yet nevertheless, given the same testimony as the others?—and when, in addition to all this, testimony is given,

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των τοῖς ἄρχουσι μαρτυρούντων, ὥσπερ ὀλίγον τι πρότερον ἠκούσατε;'' ἀλλ' οὐ δίκαιον, ὦ ἄνδρες δικασταί.

- 27 Οὐ γὰρ δὴ διὰ τὸν τρόπον γε τὸν τοῦ φεύγοντος καὶ τὸν βίον ψευδεῖς ὑπολήψεσθε τὰς μαρτυρίας τὰς ἀνεγνωσμένας εἶναι. πολὺ γὰρ ἐκ τοῦ τρόπου σαφέστερον ἐπιδείκνυται Θεοκρίνης τοιοῦτος ὢν ἢ διὰ τῶν εἰρημένων. τί γὰρ οὐ πεποίηκεν οὗτος, ὢν ἂν πονηρὸς καὶ συκοφάντης ἄνθρωπος ποιήσειεν; οὐ διὰ μὲν τὴν τούτου πονηρίαν ἀδελφὸς αὐτοῦ θεσμοθετῶν καὶ τούτῳ χρώμενος συμβούλω τοιοῦτος ἔδοξε παρ' ὑμῖν εἶναι, ὥστ' οὐ μόνον αὐτὸς ἀπεχειροτονηθῆ τῶν ἐπιχειροτοنيῶν οὐσῶν, ἀλλὰ καὶ τὴν ἀρχὴν ἅπασαν ἐποίησε; καὶ εἰ μὴ δεομένων αὐτῶν καὶ ἱκετευόντων, καὶ λεγόντων ὡς οὐκέτι πρόσσεισι Θεοκρίνης πρὸς τὴν ἀρχὴν, ἐπίσθηθ' ὑμεῖς καὶ πάλιν ἀπέδοτε τοὺς στεφάνους αὐτοῖς, πάντων ἂν αἴσχισθ' οἱ συνάρχοντες ἐπεπόν-
- 28 θεσαν; καὶ τούτων οὐδέν με δεῖ μάρτυρας ὑμῖν παρασχέσθαι· πάντες γὰρ ἴστε τοὺς ἐπὶ Λυκίσκου ἄρχοντος θεσμοθέτας ἀποχειροτονηθέντας ἐν τῷ δήμῳ διὰ τοῦτον. ὢν ἀναμιμνησκομένους ὑμᾶς χρῆ τὸν αὐτὸν ὑπολαμβάνειν εἶναι τοῦτον καὶ πρότερον καὶ νῦν.

[1331] Οὐ πολλῶ τοίνυν ὕστερον τῆς ἀποχειροτονιας, τελευτήσαντος αὐτῷ τοῦ ἀδελφοῦ βιαίῳ θανάτῳ,

<sup>a</sup> That is, one of the Thesmothetae; see note *a* on p. 202 of vol. i.

<sup>b</sup> This was done at the first assembly in each prytany, or ten times a year. (For the prytany see note *a* on p. 300 of vol. ii.)

<sup>c</sup> The ten archons wore crowns as a badge of their inviolability.



as you heard a little while ago, by those who saw the denunciation exposed to public view, and who went before the magistrates?" No; men of the jury, that would not be right.

I am sure that the character of the defendant <sup>27</sup> and his manner of life will not lead you to believe that the depositions which have been read are false. On the contrary, his character far more convincingly than the words which have been spoken proves Theocrines to be such as I portray him. For what is there that a scoundrel and a pettifogger would do that he has not done? Was it not because of his evil character that his brother, who held the office of judge <sup>a</sup> and who was guided by the defendant's advice, was brought into such bad repute with you, that, when you voted on the question of retaining the magistrates, <sup>b</sup> he was not only himself rejected, but caused the rejection of the entire board? And had it not been that through the prayers and entreaties of his fellow-judges and through their promise that Theocrines should never again come near the board you were persuaded to give them back their crowns, <sup>c</sup> would they not have incurred the deepest possible disgrace? To prove these facts <sup>28</sup> there is no need of my calling witnesses before you, for you all know that in the archonship of Lyciscus <sup>d</sup> the Thesmothetae were deposed from office by vote of the popular assembly because of Theocrines. Remembering this, you ought to assume that he is no different now from what he was then.

Not long after he was removed from office, when his brother died by a violent death, Theocrines

<sup>a</sup> That is, in 343 B.C

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τοιούτος ἐγένετο περὶ αὐτὸν οὗτος, ὥστε ζητήσας τοὺς δράσαντας καὶ πυθόμενος οἵτινες ἦσαν, ἀργύριον λαβὼν ἀπηλλάγη. καὶ τὴν μὲν ἀρχὴν ἦν ἐκεῖνος ἄρχων ἐτελεύτησεν, ἱεροποιὸς ὢν, παρὰ τοὺς νόμους ἦρχεν οὗτος, οὔτε λαχὼν οὔτ' ἐπιλαχὼν· ὑπὲρ ὧν δ' ἔπαθεν ἐκεῖνος, μέχρι τούτου σχετλιάζων περιήει καὶ φάσκων εἰς Ἄρειον πάγον Δημοχάρην προσκαλεῖσθαι, ἕως διελύσατο πρὸς τοὺς τὴν αἰτίαν ἔχοντας. χρηστός γ' ἐστὶ καὶ πιστὸς καὶ κρείττων χρημάτων. οὐδ' ἂν αὐτὸς φήσειεν. οὐ γὰρ τοσοῦτων δεῖσθαι φασὶ δεῖν τὸν δικαίως καὶ μετρίως τῶν κοινῶν ἐπιμελησόμενον, ἀλλὰ πάντων τούτων εἶναι κρείττω, δι' ὧν ἀναλίσκουσιν εἰς ἑαυτοὺς ἃ λαμβάνουσιν.

30 Καὶ τὰ μὲν πρὸς τὸν ἀδελφὸν αὐτῷ πεπραγμένα τοιαῦτ' ἐστίν· ἃ δὲ πρὸς τὴν πόλιν προσελθὼν διώκεται (δευτέρους γὰρ ὑμᾶς φησὶ φιλεῖν μετὰ τοὺς οἰκείους) ἄξιον ἀκοῦσαι. ἄρξομαι δ' ἀπὸ τῶν πρὸς ἡμᾶς αὐτῷ πεπραγμένων. τοῦ γὰρ πατρὸς κατηγορῶν, ὧ ἄνδρες δικασταί, ὅτε τὴν τῶν παρανόμων αὐτὸν ἐδίωκε γραφήν, ἔλεγεν ὡς ἐπιβεβου-

<sup>a</sup> That is, he accepted the blood-price instead of bringing the murderers to justice.

<sup>b</sup> It appears that the father of the present speaker had proposed a decree granting to Charidemus, son of the general Ischomachus, maintenance in the Prytaneum in recognition of the services rendered the state by his father. Charidemus had, however, been adopted by Aeschylus, and, if he accepted the honour, would have had to return to his father's family, and in that case he would forfeit all claim to the estate of his adoptive father, which was a large one; though the speaker maintains that there was no likelihood of this result. Theocrines asserted that, in moving the decree, Epichares was acting in collusion with Polyeuetus, who had married the boy's mother, and who wanted to get

showed himself so utterly heartless toward him that, when he had made inquiry concerning those who had done the deed, and had learned who they were, he accepted a bribe, and let the matter drop.<sup>a</sup> His brother at the time of his death held the office 29 of sacrificer, and this office Theocrines continued to fill in defiance of the laws, without having been designated by lot to assume the office or to fill the vacancy. He went around bewailing his brother's fate and declaring that he was going to summon Demochares before the Areopagus, until he made terms with those charged with the crime. An honourable man is he indeed, one whom you can trust, a man quite above the appeal of money! Why, even he would not claim that. Men say that whoever means to administer public affairs with justice and moderation should not have so many wants, but should be superior to all those things which lead people to spend on themselves all that they receive.

Such, then, was his conduct where his brother 30 was concerned; but it is worth your while to hear how he has managed affairs since he came forward in public life (for he declares that he loves you next after his own relatives). I will begin with his conduct toward us. In his accusation against my father, men of the jury, when he was prosecuting the indictment for illegality against him, he stated that a plot had been formed against the boy,<sup>b</sup> regard-

control of the property for himself. (This is most easily explained on the assumption that the mother was herself a daughter of Aeschylus, and therefore the *ἐπίκληρος*, or heiress. In that case her husband, as her *κύριος*, would control the property.)

The jury found against the father of Epichares, and he was fined ten talents.

## DEMOSTHENES

λευμένος ὁ παῖς εἶη, περὶ οὗ τὸ ψήφισμα  
 γεγραμμένον ἦν, ἐν ᾧ τὴν σίτησιν ἔγραψεν ὁ πατήρ  
 31 Χαριδήμῳ τῷ Ἴσχομάχου, λέγων ὡς, ἐὰν ἐπαν-  
 ἔλθῃ εἰς τὸν πατρῶον οἶκον ὁ παῖς, ἀπολωλεκῶς  
 ἔσται τὴν οὐσίαν ἅπασαν, ἣν Αἰσχύλος ὁ ποιησά-  
 μενος αὐτὸν υἱὸν ἔδωκεν αὐτῷ, ψευδόμενος· οὐδενὶ  
 γὰρ πώποτ', ὧ ἄνδρες δικασταί, τοῦτο τῶν εἰσ-  
 ποιηθέντων συνέβη. καὶ τούτων πάντων αἴτιον  
 ἔφη Πολύευκτον γεγενῆσθαι τὸν ἔχοντα τὴν μητέρα  
 τοῦ παιδός, βουλόμενον ἔχειν αὐτὸν τὴν τοῦ παιδός  
 [1332] οὐσίαν. ὀργισθέντων δὲ τῶν δικαστῶν ἐπὶ τοῖς  
 λεγομένοις, καὶ νομισάντων αὐτὸ μὲν τὸ ψήφισμα  
 καὶ τὴν δωρειὰν κατὰ τοὺς νόμους εἶναι, τῷ δ'  
 ὄντι τὸν παῖδα μέλλειν ἀποστερεῖσθαι τῶν χρη-  
 μάτων, τῷ μὲν πατρὶ δέκα ταλάντων ἐτίμησαν ὡς  
 μετὰ τοῦ Πολυεύκτου ταῦτα πράττοντι, τούτῳ δ'  
 32 ἐπίστευσαν ὡς δὴ βοηθήσαντι τῷ παιδί. καὶ τὰ  
 μὲν ἐπὶ τοῦ δικαστηρίου γενόμενα ταῦτα καὶ  
 παραπλήσια τούτοις ἦν· ὡς δ' ὁ χρηστὸς οὗτος  
 ὠργισμένους ἦσθετο τοὺς ἀνθρώπους καὶ πεπιστευ-  
 μένον αὐτὸν ὡς οὐ παντάπασιν ἀνόσιον ὄντα,  
 προσκαλεσάμενος τὸν Πολύευκτον ἀποφέρει γραφὴν  
 κατ' αὐτοῦ κακώσεως πρὸς τὸν ἄρχοντα καὶ δίδωσι  
 τὴν λῆξιν Μνησαρχίδῃ τῷ παρέδρῳ· λαβὼν δὲ  
 διακοσίας δραχμὰς παρὰ τοῦ Πολυεύκτου, καὶ τὰ  
 δεινὰ ταῦτ' ἀποδόμενος μικροῦ λήμματος, ἐφ' οἷς

<sup>a</sup> This building was situated in or near the agora on the north-west slope of the Acropolis; see Vanderpool in *Hesperia* iv. (1935), p. 471, note 4. In it were maintained as guests of the state Olympic victors and any who had rendered extraordinary benefactions to the state.

ing whom the decree was drawn—the decree, that is, in which my father moved that maintenance in the Prytaneum <sup>a</sup> should be granted to Charidemus, son of Ischomachus. For Theocrines asserted that, 31 if the boy should return to his father's house, he would be found to have lost all the estate which Aeschylus, his adoptive father, had given him. This assertion was false, for no such thing, men of the jury, has ever happened to any adopted person. He made the further assertion that Polyeuctus, the husband of the boy's mother, had been responsible for the whole scheme, since he wished to retain possession of the boy's property. The jurymen were incensed at his assertions and held that, while the decree itself and the grant were both legal, the boy would in fact be robbed of his estate; and they fined my father ten talents as being in the scheme with Polyeuctus, and gave credence to Theocrines as having come to the boy's defence. Such, or sub- 32 stantially such, were the proceedings in court. But when this worthy fellow saw that the people were filled with wrath, and that he himself had been believed, as one who was not wholly depraved, he summoned Polyeuctus before the archon and lodged an indictment against him for maltreatment of an orphan, and put the case in the hands of the assessor Mnesarchides.<sup>b</sup> When, however, he had received two hundred drachmae from Polyeuctus and had sold for a trifling sum those awful charges for which he had fixed the damages in my father's

<sup>b</sup> Each of the three chief archons (the Eponymus, the King, and the Polemarch) had two assessors to whom he could delegate the conduct of business for him. This case would belong to the Eponymus.

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τῷ πατρὶ ἐτιμήσατο δέκα ταλάντων, ἀπηλλάγη καὶ τὴν γραφὴν ἀνείλετο προδοῦς τὸν ὄρφανόν.

Καί μοι κάλει τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

33 Εἰ τοίνυν εὖπορος ἦν ὁ πατήρ, ὧ ἄνδρες δικασταί, καὶ δυνατὸς πορίσαι χιλίας δραχμάς, ὅλως ἂν ἀπηλλάγη τῆς γραφῆς τῆς τῶν παρανόμων· τοσοῦτον γὰρ αὐτὸν ἦται οὗτος.

Καί μοι κάλει Φιλιππίδην τὸν Παιανιέα, πρὸς ὃν ἔλεγε ταῦτα Θεοκρίνης οὔτοσί, καὶ τοὺς ἄλλους οἱ συνίσασι τούτῳ ταῦτα λέγοντι.

### ΜΑΡΤΥΡΕΣ

34 "Ὅτι μὲν τοίνυν, ὧ ἄνδρες δικασταί, Θεοκρίνης, εἴ τις αὐτῷ τὰς χιλίας δραχμάς ἐδίδου, τὴν γραφὴν [1333] ἂν ἀνείλετο τὴν κατὰ τοῦ πατρός, ἠγοῦμαι πάντας ὑμᾶς πιστεύειν, καὶ εἰ μηδεὶς ἐμαρτύρησεν. ὅτι δὲ πολλὰς ἐτέρας προσκαλεσάμενος καὶ γραψάμενος καθυφείκε, καὶ μικρὸν ἀργύριον λαμβάνων ἀπαλλάττεται, τοὺς δόντας ὑμῖν αὐτοὺς καλῶ, ἵνα μὴ πιστεύητ' αὐτῷ λέγοντι, ὡς αὐτὸς φυλάττει τοὺς τὰ παράνομα γράφοντας, καὶ ὡς, ὅταν αἱ τῶν παρανόμων γραφαὶ ἀναιρεθῶσιν, ὁ δῆμος καταλύεται· ταῦτα γὰρ οἱ πάντα πωλοῦντες λέγειν εἰθισμένοι πάντες εἰσίν.

35 Κάλει μοι Ἀριστόμαχον Κριτοδήμου Ἀλωπεκῆθεν. οὗτος γὰρ ἔδωκε, μᾶλλον δ' ἐν τῇ τούτου

<sup>a</sup> Paganía, a deme of the tribe Pandionis.

<sup>b</sup> Alopecè, a deme of the tribe Antiochis.

## AGAINST THEOCRINES, 32-35

case at ten talents, he dropped the matter, withdrew the indictment, and left the orphan in the lurch.

(*To the clerk.*) Call, please, the witnesses who support these statements.

### THE WITNESSES

If now my father had been well-to-do, men of the jury, and able to provide a thousand drachmae, he would have got off entirely free from the indictment for illegality; for that was the sum the defendant demanded of him. 33

(*To the clerk.*) Call, please, Philippides of Paecania <sup>a</sup> to whom this fellow Theocrines made this statement, and the others who know that he made it.

### THE WITNESSES

That Theocrines, men of the jury, if he had been 34 offered the thousand drachmae, would have withdrawn the indictment against my father, I think that you are all convinced, even if no witness had so testified. To prove, however, that he has summoned many other people and preferred indictments against them, and then has compromised the matter, and that he is in the habit of desisting from prosecution on receipt of small bribes, I shall call before you the very persons who paid him, in order that you may not believe him when he declares that it is he who keeps watch over those who propose illegal measures, and that when indictments for illegality are done away with it is the ruin of your democracy. (For it is in this way that all those who sell everything for money are in the habit of talking.)

(*To the clerk.*) Call, please, Aristomachus, son of 35 Critodemus, of Alopecê,<sup>b</sup> for it is he who paid—or

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οικία ἐδόθη, τρί' ἡμίμνια τούτῳ τῷ ἀδωροδοκῆτῳ ὑπὲρ τοῦ ψηφίσματος, ὃ Ἀντιμέδων ἔγραψε τοῖς Τενεδίοις.

### ΜΑΡΤΥΡΙΑ

Λέγε δὴ καὶ τὰς ἄλλας ἐφεξῆς τὰς τοιαύτας μαρτυρίας, καὶ τὴν Ὑπερείδου καὶ Δημοσθένους· τοῦτο γὰρ ἐστὶν ὑπερβολή, τὸ παρ' ὧν οὐδ' ἂν εἰς ἀξιώσαι λαβεῖν, τοῦτον παρὰ τούτων ἥδιστα λαμβάνειν πωλοῦντα τὰς γραφάς.

### ΜΑΡΤΥΡΙΑΙ

36 Οὗτος τοίνυν αὐτίκα φήσει διὰ τοῦτο τὴν ἔνδειξιν καθ' αὐτοῦ γεγονέναι, ἵνα Δημοσθένη μὴ ἐπεξέλθῃ τὴν γραφὴν ἣν ἐγράψατ' αὐτόν, μηδὲ Θεουκυδίδη· δεινὸς γάρ ἐστι ψεύσασθαι καὶ μηδὲν ὑγιὲς εἰπεῖν. ἡμεῖς δ', ὧ ἄνδρες δικασταί, καὶ τοῦτ' ἐσκεψάμεθα, καὶ δείξομεν ὑμῖν οὐδὲν τὴν πόλιν βλαπτομένην, οὔτε μὰ τὸν Δί' εἴαν κύριον γένηται τὸ ψήφισμα τὸ Θεουκυδίδου, οὔτ' εἴαν ἄκυρον. καίτοι τὰς γε τοιαύτας ἀπολογίας οὐ δίκαιόν ἐστι προσφέρειν τοῖς κατὰ τοὺς νόμους ὁμωμοκόσι δικάσειν· ἀλλ' [1334] ὅμως ἐξ αὐτῆς τῆς γραφῆς αὐτίκα γνώσεσθε, διότι πρόφασίς ἐστι τῆς ἐνδείξεως ἡ γραφή.

Λέγε τὰς γραφὰς ταύτας.

### ΓΡΑΦΑΙ

<sup>a</sup> Tenedos, an island in the Aegean, off the west coast of Phrygia.

<sup>b</sup> A prominent Athenian orator and statesman.

<sup>c</sup> That is, these men were too influential to fear blackmail from a man like Theocrines.



## AGAINST THEOCRINES, 35-36

rather in whose house were paid—the mina and a half to this man who cannot be bribed, in the matter of the decree which Antimedon proposed on behalf of the people of Tenedos.<sup>a</sup>

### THE DEPOSITION

Read also in sequence the other depositions of the same sort, and that of Hypereides<sup>b</sup> and Demosthenes. For this goes beyond all else—that the fellow should be most glad, by selling indictments to get money from men, from whom no one else would think of demanding it.<sup>c</sup>

### THE DEPOSITIONS

Well, he will presently say that the criminal information has been lodged against him for this purpose, that he may not proceed with the indictment which he preferred against Demosthenes or with that against Thucydides; for he is a clever fellow at lying and at saying what lacks all foundation. I have looked into this matter also, men of the jury, and will show you that the state suffers not the slightest harm, whether the decree of Thucydides is ratified, or whether it is annulled. And yet it is not right to bring up a defence of this sort before men who have sworn to give a verdict according to the laws. You will, however, presently learn from the indictment itself, that it is merely a pretext to offset the criminal information.

*(To the clerk.)* Read these indictments.<sup>d</sup>

### THE INDICTMENTS

<sup>a</sup> There were two indictments, one against Demosthenes and one against Thucydides.

DEMOSTHENES

- 37 Τούτων τῶν ψηφισμάτων, ὧ ἄνδρες δικασταί, ἤ μενόντων κατὰ χώραν ἢ ἀλόντων (οὐδὲν γὰρ ἔμοιγε διαφέρει) τί ἡ πόλις ἢ κερδαίνει ἢ βλάπτεται; ἐγὼ μὲν γὰρ οὐδὲν οἶμαι. τοὺς γὰρ Αἰνίους φασὶν οὐδέ προσέχειν τῇ πόλει, τοῦτο δὲ γεγονέναι διὰ Θεοκρίνην τουτονί. συκοφαντούμενοι γὰρ ἐν ἐκείνοις τοῖς χρόνοις ὑπὸ τούτου, ἐν οἷς οἱ μὲν ἐφιλίππιζον, οἱ δ' ἠττίκιζον αὐτῶν, καὶ πυνθανόμενοι γεγράφθαι τὸ ψήφισμα παρανόμων ὁ Χαρίνος πρότερον ἐγράψατο, τοῦτο τὸ περὶ τῆς συντάξεως, ὁ Θουκυδίδης εἶπε, καὶ πέρας τῶν πραγμάτων οὐδὲν γιγνόμενον,
- 38 ἀλλὰ τὸν μὲν δῆμον συγχωροῦντα τὴν σύνταξιν διδόναι τοὺς Αἰνίους ὅσῃν Χάρητι τῷ στρατηγῷ συνεχώρησαν, τοῦτον δὲ τὸν μιαρὸν παραδεξάμενον Χαρίνω τῷ προδότῃ ταῦτά πράττειν, ὅπερ ἦν ἀναγκαῖον αὐτοῖς, τοῦτ' ἔπραξαν· εἴλοντο γὰρ τῶν παρόντων κακῶν τὰ ἐλάχιστα. καίτοι τί χρῆ νομίζειν αὐτοὺς πάσχειν ὑπὸ τῶν ἐνθάδε γραφομένων, οἷς ἦν αἰρετώτερον φρουρὰν ὑποδέχεσθαι καὶ βαρβάρων ἀκούειν, ὑμῶν ἀποστάντας; ἀλλ', οἶμαι, τὴν τούτων πονηρίαν ὑμεῖς μόνοι δύνασθε φέρειν, ἄλλος δ' οὐδεὶς τῶν Ἑλλήνων.
- 39 Ὅτι μὲν οὖν οὔτε διὰ τὰς γραφὰς τὰς ἀνεγνωσμένας οὔτε δι' ἄλλην αἰτίαν οὐδεμίαν ἄξιόν ἐστι παρὰ πάντας τοὺς νόμους τοὺς περὶ τῶν ἐνδείξεων

<sup>a</sup> Aenos, a town on the south coast of Thrace.

<sup>b</sup> It appears that the Athenian general Chares had fixed the tribute to be paid by the Aenians at a moderate sum, and that Thucydides had proposed a decree approving this act. This decree was indicted as illegal, first by Charinus

## AGAINST THEOCRINES, 36-39

Whether the decrees stand as they are, men of 37  
the jury, or are annulled (for it makes no difference  
to me), what does the state either gain or lose?  
Nothing, in my opinion. They say that the men of  
Aenos<sup>a</sup> pay no heed to our state, and that this has  
come about because of this fellow Theocrines. For  
being harassed by the false and malicious charges  
of this man at the time when some of them were  
turning to Philip and others to Athens, and learning  
that the decree which Charinus had previously in-  
dicted had again been indicted as illegal,—the decree,  
that is, which Thucydides proposed and which had  
to do with their contribution<sup>b</sup>; and learning further-  
more that no conclusion was being reached in the  
matter, but that, while the people were ready to 38  
grant that the Aenians should pay the contribution  
which they had agreed upon with the general Chares,  
this abominable fellow had taken upon himself to  
carry on the same practices as the traitor Charinus  
—learning all this, I say, they took the course which  
necessity forced upon them, and chose the least of  
the evils before them. Yet what must we assume  
their sufferings at the hands of those who were pre-  
ferring indictments here to have been, when it seemed  
to the Aenians preferable to revolt from us, to receive  
a garrison, and to be subject to barbarians? But you  
alone, I think, are able to endure the wickedness of  
these men, you alone, and no one besides among  
all the Greeks!

That you ought not, then, whether on account of 39  
the indictments which have been read, or for any  
other reason, to acquit Theocrines in defiance of all  
and then by Theocrines. The result was that the Aenians  
revolted and went over to the side of Philip.

## DEMOSTHENES

ἀφείναι Θεοκρίνην, σχεδὸν καὶ διὰ τῶν εἰρημένων  
 φανερόν ἐστιν. ἐγὼ δὲ τὰς μὲν τούτων προφάσεις,  
 ὧ ἄνδρες δικασταί, καὶ τὰς κατηγορίας καὶ τὰς  
 40 προσποιήτους ταύτας ἔχθρας οὐ λανθάνειν ὑμᾶς  
 [1335] νομίζω. οὐ γὰρ ὀλιγάκις ἐοράκατ' αὐτοὺς ἐπὶ μὲν  
 τῶν δικαστηρίων καὶ τοῦ βήματος ἐχθροὺς εἶναι  
 φάσκοντας ἀλλήλοις, ἰδίᾳ δὲ ταῦτ' ἀπράττοντας καὶ  
 μετέχοντας τῶν λημμάτων, καὶ τοτὲ μὲν λοιδορου-  
 μένους καὶ πλύνοντας αὐτοὺς τ' ἀπόρρητα, μικρὸν δὲ  
 διαλιπόντας τοῖς αὐτοῖς τούτοις συνδεκατίζοντας<sup>1</sup>  
 καὶ τῶν αὐτῶν ἱερῶν κοινωνοῦντας. καὶ τούτων  
 οὐδὲν ἴσως ἄξιον θαυμάζειν ἐστί· φύσει τε γὰρ εἰσι  
 πονηροί, καὶ τὰς τοιαύτας προφάσεις ὀρώσιν ὑμᾶς  
 ἀποδεχομένους, ὥστε τί κωλύει ταύταις αὐτοὺς  
 41 χρωμένους ἐξαπατᾶν ὑμᾶς πειρᾶσθαι; ὅλως δ'  
 ἔγωγ' οἶμαι δεῖν ὑμᾶς, ὧ ἄνδρες δικασταί, ὑπὲρ  
 αὐτοῦ τοῦ πράγματος σκεψαμένους, εἰ μὲν δίκαια  
 λέγω καὶ κατὰ τοὺς νόμους, βοηθεῖν μοι, μηδὲν  
 ὑπολογισαμένους, εἰ μὴ Δημοσθένης ἔσθ' ὁ κατ-  
 ηγορῶν, ἀλλὰ μειράκιον, μηδὲ νομίζειν κυριωτέρους  
 δεῖν εἶναι τοὺς νόμους, ἂν εὖ τις τοῖς ὀνόμασι  
 συμπλέξας αὐτοὺς ὑμῖν παράσχηται, τῶν ὅπως  
 ἔτυχεν λεγόντων, ἀλλὰ τοὺς αὐτούς, καὶ τοσοῦτῳ  
 42 ἤττον ἐξαπατήσειαν ὑμᾶς. ἐπεὶ διότι τοῦναντίον  
 ἐστί, καὶ οὐχ οὗτος, ἀλλ' ἐγὼ κατεστασίασμαι, καὶ  
 φησάντων τινῶν μοι συναγωνιεῖσθαι προδέδομαι διὰ

<sup>1</sup> συνδεκατίζοντας Taylor | συνενδεκατίζοντας or ἐνδικάζοντας.

## AGAINST THEOCRINES, 39-42

the laws concerning criminal informations, is reasonably clear from what has been said. I think, however, men of the jury, that you are not aware of the excuses of these men, of their accusations, and their pretended enmities. For you have not infrequently 40 seen them in the court-rooms and on the platform, declaring that they are personal foes to one another, but in private following the same pursuits and sharing the profits ; at one time reviling and abusing one another in foulest terms, and a little later associating in family festivals with these same people, and taking part in the same sacrifices. And not one of these things is perhaps to be wondered at. For the men are by nature base, and they see that you accept such excuses ; so what is to prevent their using them and trying to deceive you ? For my 41 part I hold that it is absolutely your duty, men of the jury, to fix your attention on the matter at issue and on nothing else, and then, if my plea seems to you just and in accordance with law, to give me your support, caring nothing for the fact that it is not Demosthenes who prefers the charges, but a mere stripling. You are bound also to hold that the laws are not more binding when one presents them to you carefully in rhetorical language than when they are recited in the speech of every day. No ; they are the same laws ; and you should all the more readily give aid to the young and inexperienced, since they are less likely to lead you astray. For that the case is the exact opposite of what my 42 opponent asserts,—that it is not he, but I, who am the victim of a cabal, and that, after certain persons had declared that they would aid me in my suit, I have been betrayed because of the cliques formed

## DEMOSTHENES

τὰς τούτων ἑταιρείας, ἐκείνως δῆλον ὑμῖν ἔσται.  
 καλείτω ὁ κῆρυξ οὕτοσι τὸν Δημοσθένην· οὐκ  
 ἀναβήσεται. τὸ δ' αἰτιὸν ἔστιν, οὐ τὸ ἔμ' ὑπό-  
 τινων πεπεισμένον ἐνδείξειαι τουτονί, ἀλλὰ τοῦτον  
 καὶ τὸν ἄρτι καλούμενον διαλελύσθαι. καὶ τοῦθ'  
 ὅτι ἔστιν ἀληθές, ἀναγκάσω μὲν μαρτυρεῖν καὶ  
 [1336] Κλεινόμαχον τὸν συναγαγόντ' αὐτοὺς καὶ Εὐ-  
 43 βουλίδην τὸν ἐν Κυνοσάργει παραγενόμενον· οὐ  
 μὴν ἔλαττον γε τούτου σημεῖον ὑμῖν, ἀλλὰ μείζον  
 παρασχίσομαι, διότι τοῦτ' ἔστιν ἀληθές, ὃ πάντες  
 ἀκούσαντες ὁμολογήσετε. Θεοκρίνης γὰρ οὕτοσι  
 τοῦτον διώκων παρανόμων τὸν μιάρων, ὡς αὐτίκα  
 φήσει, καὶ τῶν νῦν αὐτῷ κακῶν αἴτιον, φανερώς  
 ἀφήκε τῆς γραφῆς, ἐφ' ἧ δέκα τάλαντ' ἐπεγράψατο  
 τίμημα. πῶς; οὐδὲν καινὸν διαπραξάμενος, ἀλλ'  
 ὅπερ ἕτεροί τινες τῶν ὁμοίων τούτῳ. τὸν μὲν  
 Δημοσθένην τις ὑπωμόσατο καλουμένης τῆς γρα-  
 φῆς ὡς νοσοῦντα, τὸν περιμόντα καὶ λοιδορούμενον  
 Λίσχινη· τοῦτον δ' οὗτος τὸν ἐχθρὸν εἶακε, καὶ  
 οὔτε τότε ἀνθυπωμόσατ' οὔθ' ὕστερον ἐπήγγελκεν.  
 ἄρ' οὐ περιφανῶς οὔτοι φενακίζουσιν ὑμᾶς τοὺς  
 προσέχοντας τούτοις ὡς ἐχθροῖς;  
 Λέγε τὰς μαρτυρίας.

### ΜΑΡΤΥΡΙΑΙ

44 Οὐκοῦν δίκαιόν ἐστιν, ὦ ἄνδρες δικασταί, μηδ'  
 ὑμᾶς τῶν φησόντων Θεοκρίνει διὰ τὴν πρὸς

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<sup>a</sup> A gymnasium in Athens which was a common place of rendezvous.

by these men,—all this will be made clear to you in the following way. Let the crier here call Demosthenes. He will not come forward. The reason is, not that I have been induced by certain persons to lodge criminal information against this man, but that he and the one just now mentioned have come to terms with one another. To prove that this is true, I will compel to testify both Cleinomachus, who brought them together, and Eubulides, who was with them in Cynosarges <sup>a</sup>; and I will further 43 produce what you will all acknowledge when you have heard it, to be, not a weaker, but a stronger proof that my statement is true. For Theocrines here, when prosecuting for illegal action this abominable person, as he will presently call him, and the one who is the cause of his present troubles, openly discharged him from the indictment, in which he had fixed the penalty at ten talents. How? By doing nothing startling, but the very thing that others of his stamp have done. When the indictment was called, someone filed an affidavit for postponement, declaring that Demosthenes was ill—Demosthenes, who was going about and abusing Aeschines. This enemy of his, then, this fellow has let off, and he neither at the time filed a counter-affidavit, nor did he subsequently call the case for trial. Are not these men manifestly hoodwinking you, when you entertain the idea that they are personal foes?

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

#### THE DEPOSITIONS

It is not right, then, men of the jury, that you any 44 more than we should listen to those who will declare that they are going to speak in the interest of

## DEMOSTHENES

Δημοσθένην ἔχθραν συνερεῖν ἐθέλειν ἀκούειν, ἀλλὰ κελεύειν αὐτούς, εἴπερ ὡς ἀληθῶς ἐχθροὶ εἰσι τοῦ Δημοσθένους, αὐτὸν ἐκείνον γράφεσθαι καὶ μὴ ἐπιτρέπειν αὐτῷ παράνομα γράφειν. εἰσὶ δέ γε δεινοὶ καὶ οὗτοι, καὶ πιστεύονται μᾶλλον παρ' ὑμῖν. ἀλλ' οὐ ποιήσουσι τοῦτο. διὰ τί; ὅτι φασὶ πολεμεῖν ἀλλήλοις οὐ πολεμοῦντες.

- 45 Περὶ μὲν οὖν τῆς τούτων ἔχθρας ὑμεῖς ἂν ἀκριβέστερον ἐμοὶ διεξέλοιτ' ἢ ἐγὼ ὑμῖν. ἠδέως δ' ἂν ἠρόμην Θεοκρίνην ἐναντίον ὑμῶν, εἴ μοι ἔμελλεν ἀποκρινεῖσθαι δικαίως, τί ποτ' ἂν ἐποίησεν, ἐπειδὴ φησιν ἐπὶ τῷ κωλύειν τετάχθαι τοὺς τὰ παράνομα
- [1337] γράφοντας, εἴ τις ἐν τῷ δήμῳ διαλεχθεὶς ἅπασιν τοῖς πολίταις καὶ πείσας ἔγραψεν ἐξεῖναι τοῖς ἀτίμοις καὶ τοῖς ὀφείλουσι τῷ δημοσίῳ γράφεσθαι, φαίνειν, ἐνδεικνύειν, ἀπλῶς ποιεῖν ὅσαπερ νῦν ὁ
- 46 νόμος κωλύει πράττειν· πότερον ἐγράψατ' ἂν παρανόμων τὸν ταῦτ' εἰπόντα, ἢ οὐ; εἰ μὲν γὰρ μή, πῶς χρὴ πιστεύειν αὐτῷ λέγοντι, ὡς φυλάττει τοὺς τὰ παράνομα γράφοντας; εἰ δ' ἐγράψατ' ἂν, πῶς οὐ δεινὸν ἐστίν, ἐτέρου μὲν γράψαντος κωλύειν ἂν τέλος ἔχειν τὸ ψήφισμα, ἵνα μὴ πάντες τοῦτο ποιῶσι, καὶ γραφὴν ἀπενεγκόντα παραγραφάμενον
- 47 σαφῶς τοὺς νόμους κωλύειν τὸ πρᾶγμα, νυνὶ δ'



Theocrines because of their enmity to Demosthenes. No ; if they are in truth enemies of Demosthenes, you should bid them bring their indictments against *him*, and not permit *him* to propose illegal decrees. These people too are clever, and you are more apt to give them credence. They will not, however, take the course which I mention. For what reason ? Because they claim to be at war with one another, although they are not at war.

With reference to the enmity of these people you 45 could give me more exact information than I can give you. I should be glad, however, to ask Theocrines in your presence, if only he would give me an honest answer, what he would have done—he who declares that he has been assigned the duty of putting a stop to the proposers of illegal decrees—if anyone, after speaking to the whole body of citizens in the assembly and winning their assent, had proposed a decree, permitting those who had lost their civic rights and those indebted to the public treasury to indict, denounce, and lodge criminal informations—in a word to do all the things which the law now forbids them to do—would he 46 have indicted for illegality the one who proposed that decree, or would he not ? If he says he would not, how can you believe him when he states that he is on the watch for those who propose illegal decrees ? And if he would have brought in an indictment, is it not an outrageous thing, that when another proposed the bill, he should prevent its being finally enacted, to the end that all should not have this privilege, and should put a stop to the matter by preferring an indictment, plainly writing by its side the words of the laws ; and yet should now, without 47

## DEMOSTHENES

αὐτὸν τοῦτον, μήτε πείσαντα τὸν δῆμον μήτε κοινὸν καταστήσαντα τὸ πρᾶγμα, γράφεσθαι τῶν νόμων αὐτῷ ἀπαγορευόντων; καὶ δεινὰ φήσει αὐτίκα δὴ μάλα πάσχειν, εἰ μὴ ταῦτ' ἐξέσται ποιεῖν αὐτῷ, καὶ διέξεισι τὰς ἐκ τῶν νόμων ζημίας, αἷς ἔνοχος ἐὰν ἀλῶ γενήσεται· τῶν δὲ νόμων μὴ φροντίζεις, ἀλλ' ἀξιούν αὐτῷ τηλικαύτην δωρεὰν δεδόσθαι παρ' ὑμῶν, ὅσην οὐδ' αἰτῆσαι τετόλμηκεν οὐδεὶς;

- 48 "Ὅτι μὲν οὖν περὶ τῆς ἐνδείξεως οὐδὲν ἔξει δίκαιον λέγειν οὔτε Θεοκρίνης οὔτε τῶν ὑπὲρ τούτου λεγόντων οὐδεὶς, σχεδὸν εἰδέναί πάντας ὑμᾶς νομίζω. οἶμαι δ' αὐτοὺς ἐπιχειρήσειν λέγειν, ὡς οὐδ' ἔστιν ἐνδείξεις τούτων, ὅσοι μὴ ἐν ἀκροπόλει γεγραμμένοι εἰσίν, οὐδ' ἔστι δίκαιον τούτους ὑπολαμβάνειν ὀφείλειν, ὧν οὐδεὶς παρέδωκε τοῖς πράκτορσι τὰ ὀνόματα, ὥσπερ ὑμᾶς ἀγνοήσοντας τὸν νόμον, ὃς ὀφείλειν ἀπ' ἐκείνης κελεύει τῆς ἡμέρας, ἀφ' ἧς ἂν ὄφλη ἢ παραβῆ τὸν νόμον ἢ τὸ ψήφισμα,
- [1338] ἢ οὐ πᾶσι δῆλον ὄν, ὅτι πολλαχῶς καὶ ὀφείλουσι τῷ δημοσίῳ καὶ ἐκτίνουσιν οἱ βουλόμενοι τοῖς νόμοις πείθεσθαι, καὶ τοῦτ' ἐξ αὐτοῦ τοῦ νόμου δῆλον.

Καί μοι πάλιν λαβὲ τὸν νόμον τοῦτον.

### NOMOS

Ἄκουεις, ὦ μιαρὸν σὺ θηρίον, ὅ τι κελεύει; ἀφ' ἧς ἂν ὄφλη ἢ τὸν νόμον παραβῆ.

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<sup>a</sup> The names of those who were debtors to the state were inscribed on pillars set up in the Acropolis.

having won the people's consent or made the matter public, himself continue to prefer indictments, when the laws forbid him to do so? And he will say presently that he is being abominably treated if he is not to be allowed to continue to do this, and will rehearse the penalties provided by the laws, to which he will be liable, if convicted. Is it not an outrage that he should flout the laws, but claim that there has been granted to him by you a privilege so great that no one else has dared even to ask for it?

That in regard to the criminal information, there- 48  
fore, neither Theocrines nor anyone of those who speak in his behalf will have any just argument to advance, I take it you are all pretty well assured. I fancy, however, that they will try to maintain that criminal informations may not be lodged against those who are not registered on the Acropolis,<sup>a</sup> and that it is not right to consider those as debtors whose names no one has given over to the collectors, just 49  
as though you were unaware of the law which declares a man a debtor from the day on which the penalty has been imposed or on which he has transgressed the law or the decree; or as if it were not clear to everybody that there are many ways in which people who wish to obey the laws become debtors to the treasury and meet the obligation. This is plain from the law itself.

(*To the clerk.*) Take this law again, please.

#### THE LAW

Do you hear, you abominable beast, what the statute says? "From the day on which the penalty shall be imposed or on which he transgresses the law."

## DEMOSTHENES

- 50 Ἀκούω τοίνυν αὐτοὺς κάκεινον ὑμῖν μέλλειν δεικνύναι τὸν νόμον, ὃς ἀπαλείφειν κελεύει τοῖς ἐγγεγραμμένοις ἀπὸ τοῦ ὀφλήματος καθ' ὃ τι ἂν ἐκτίνη, καὶ ἐρήσεσθαι πῶς ἀπὸ τοῦ μηδ' ἐγγεγραμμένου ἀπαλείψουσιν, ὥσπερ οὐ περὶ μὲν τῶν ἐγγεγραμμένων τοῦτον κείμενον, περὶ δὲ τῶν μὴ ἐγγεγραμμένων, ὀφειλόντων δ' ἐκείνον, ὃς κελεύει ἀπ' ἐκείνης ὀφείλειν τῆς ἡμέρας, ἀφ' ἧς ἂν ὄφλη
- 51 ἢ παραβῆ τὸν νόμον ἢ τὸ ψήφισμα. τί οὖν οὐκ ἀγραφίου με, φήσει, γράφη, τὸν ὀφείλοντα καὶ μὴ ἐγγεγραμμένον; ὅτι ὁ νόμος οὐ κατὰ τῶν ὀφειλόντων καὶ μὴ ἐγγραφέντων κελεύει τὰς γραφὰς τοῦ ἀγραφίου εἶναι, ἀλλ' οἷτινες ἂν ἐγγραφέντες καὶ μὴ ἐκτείσαντες τῇ πόλει τὸ ὄφλημ' ἐξαιλειφθῶσιν.

Καί μοι λαβὲ τὸν νόμον καὶ ἀνάγνωθι.

### ΝΟΜΟΣ

- 52 Ἀκούετε τοῦ νόμου, ὦ ἄνδρες δικασταί, ὅτι διαρρήδην λέγει, εἴαν τις τῶν ὀφειλόντων τῷ δημοσίῳ μὴ ἐκτίσας τῇ πόλει τὸ ὄφλημ' ἐξαιλειφθῆ, εἶναι κατ' αὐτοῦ τὰς γραφὰς πρὸς τοὺς θεσμοθέτας τοῦ ἀγραφίου, καὶ οὐ κατὰ τοῦ ὀφειλοντος καὶ μὴ ἐγγεγραμμένου, ἀλλ' ἔνδειξιν κελεύει καὶ ἄλλας τιμωρίας κατὰ τούτων εἶναι. ἀλλὰ σὺ τί διδάσκεις με πάντας τοὺς τρόπους, οὖς

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I hear that they are going to produce also that law 50 which ordains that, in the interest of those who are inscribed on the register, whatever portion of the debt be paid shall be erased, and they will ask how men are to make erasures, when the debt has not even been entered on the register; as if you did not know that this statute has to do with debtors who are registered, while to those who are not registered but owe money that other law applies, which declares that one is a debtor from the day on which the penalty is incurred or on which he transgresses the law or the decree. Why, then, he 51 will ask, do you not indict me for non-insertion in the register, seeing that I am a debtor, and not registered? Because the law ordains that indictments for non-insertion shall be lodged, not against those who are debtors and not registered, but against those who, although they have been registered and have not paid their debt, nevertheless have their names erased.

*(To the clerk.)* Take the law, please, and read it.

### THE LAW

You hear the law, men of the jury, hear that it 52 expressly declares that, if any one of those indebted to the treasury shall have his name erased without having discharged his debt to the state, an indictment for non-insertion in the register may be brought against him before the Thesmothetae, but not against a debtor who has not been registered. Against persons of this class it ordains that there shall be a criminal information and other legal penalties. But why do you, Theocrines, try to teach me all the ways in which one may avenge oneself upon one's enemies,

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- 53 ἔξεστι τιμωρεῖσθαι τοὺς ἐχθροὺς, ἀλλ' οὐ καθ' ὄν  
 εἰσελήλυθας, τοῦτον ἀπολογῆ;  
 [1339] Μοιροκλῆς τοίνυν, ὦ ἄνδρες δικασταί, ὁ τὸ ψή-  
 φισμα γράψας κατὰ τῶν τοὺς ἐμπόρους ἀδικούντων,  
 καὶ πείσας οὐ μόνον ὑμᾶς ἀλλὰ καὶ τοὺς συμ-  
 μάχους, φυλακὴν τινα τῶν κακουργούντων ποιήσα-  
 σθαι, οὐκ αἰσχυνεῖται αὐτίκα μάλα λέγων ὑπὲρ  
 54 Θεοκρίνου ἐναντία τοῖς ἑαυτοῦ ψηφίσμασιν, ἀλλὰ  
 τολμήσει πείθειν ὑμᾶς, ὡς χρὴ τὸν οὕτω φανερώς  
 ἐξεληλεγμένον φάσεις ποιούμενον ἀδίκους κατὰ  
 τῶν ἐμπόρων ἀφεῖναι καὶ μὴ τιμωρήσασθαι, ὥσπερ  
 ἔνεκα τούτου γράψας καθαρὰν εἶναι τὴν θάλατταν,  
 ἵνα σωθέντες οἱ πλείοντες ἐκ τοῦ πελάγους ἐν τῷ  
 λιμένι χρήματα τούτοις ἀποτίνωσιν, ἢ διαφέρων τι  
 τοῖς ἐμπόροις, ἂν μακρὸν διαφυγόντες πλοῦν Θεο-  
 55 κρίνει περιπέσωσιν. ἐγὼ δ' οἶμαι τῶν μὲν κατὰ  
 πλοῦν γιγνομένων, οὐχ ὑμᾶς, ἀλλὰ τοὺς στρατηγούς  
 καὶ τοὺς ἐπὶ τοῖς μακροῖς πλοίοις αἰτίους εἶναι,  
 τῶν δ' ἐν τῷ Πειραιεῖ καὶ πρὸς ταῖς ἀρχαῖς ὑμᾶς,  
 οἳ τούτων κύριοι πάντων ἐστέ. διὸ καὶ μᾶλλον  
 ἐστι τηρητέον τοὺς ἐνθάδε παραβαίνοντας τοὺς  
 νόμους τῶν ἔξω τοῖς ψηφίσμασιν οὐκ ἐμμενόντων,  
 ἵνα μὴ δοκῆτε αὐτοῖ<sup>1</sup> πράως ἐπὶ τοῖς γιγνομένοις  
 φέρειν καὶ συνειδέναι τι τούτοις ὧν πράττουσιν.  
 56 οὐ γὰρ δήπου Μηλίου μὲν, ὦ Μοιρόκλεις, κατὰ  
 τὸ σὸν ψήφισμα δέκα τάλαντα νῦν εἰσπράξομεν,  
 ὅτι τοὺς ληστὰς ὑπεδέξαντο, τουτονὶ δ' ἀφήσομεν,

<sup>1</sup> αὐτοῖ] τῷ Blass.

<sup>a</sup> We know nothing more of Moeroles and his decree than is told in this oration.

<sup>b</sup> Melos, an island in the southern Aegean.

instead of making a defence in the action in which you have come into court ?

Moerocles,<sup>a</sup> men of the jury, who proposed the 53  
 decree against those who injure merchants, and who  
 persuaded, not you alone, but your allies as well, to  
 organize a sort of police to repress the wrongdoers,  
 will not be ashamed presently on behalf of Theocrines  
 to speak in opposition to his own decree. On the 54  
 contrary, he will have the audacity to advise you  
 that you ought not to punish, but to acquit, the  
 one who has thus manifestly been convicted of  
 lodging false denunciations against the merchants ;  
 as if his measures for purging the sea had no other  
 purpose than that voyagers who had come safely  
 through the dangers of the open sea might pay  
 money to these people in the harbour ; or as if it  
 were any advantage to the merchants that, after  
 completing a long voyage without mishap, they  
 should fall into the hands of Theocrines. For my 55  
 part, I think that, while the generals and those in  
 command of your ships of war, and not you, are to  
 blame for mishaps which occur during a voyage, yet  
 for mishaps in the Peiraeus and before the magistrates  
 you are to blame, since you have all these persons  
 under your control. Wherefore it is even more neces-  
 sary to watch those who transgress the laws here at  
 home than those who fail to abide by your decrees  
 abroad, in order that you may not yourselves be  
 thought to look with complaisance upon what is going  
 on and in a measure to connive at the doings of these  
 men. For surely, Moerocles, we are not now going to 56  
 exact ten talents from the Melians<sup>b</sup> in accordance with  
 the terms of your decree, because they gave harbour-  
 age to the pirates, and yet suffer this man to go free

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ὅς καὶ τὸ σὸν ψήφισμα καὶ τοὺς νόμους, δι' οὓς οἰκοῦμεν τὴν πόλιν, παραβέβηκε· καὶ τοὺς μὲν τὰς νήσους οἰκοῦντας κωλύσομεν ἀδικεῖν, ἐφ' οὓς τριήρεις δεῖ πληρώσαντας ἀναγκάσαι τὰ δίκαια ποιεῖν, ὑμᾶς δὲ τοὺς μιαρούς, οἷς αὐτοῦ δεῖ καθημένους τουτουσὶ κατὰ τοὺς νόμους ἐπιθεῖναι δίκην, [1340] ἑάσουσιν; οὐκ, ἂν γε σωφρονῆτε.  
 Λέγε τὴν στήλην.

### ΣΤΗΛΗ

57 Περὶ μὲν οὖν τῶν νόμων καὶ τοῦ πράγματος οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· ἱκανῶς γάρ μοι δοκεῖτε μεμαθηκέναι. βούλομαι δὲ δεηθεῖς ὑμῶν τὰ δίκαι' ὑπὲρ ἑμαυτοῦ καὶ τοῦ πατρὸς καταβαίνειν καὶ μὴ ἐνοχλεῖν ὑμῖν. ἐγὼ γάρ, ὦ ἄνδρες δικασταί, βοηθεῖν οἰόμενος δεῖν τῷ πατρὶ καὶ τοῦτο δίκαιον εἶναι νομίζων, τὴν ἔνδειξιν ταύτην ἐποίησάμην,  
 58 ὥσπερ ἐξ ἀρχῆς εἶπον, οὐκ ἀγνοῶν οὔτε τοὺς βλασφημεῖν βουλομένους, ὅτι λόγους εὐρήσουσι τοὺς διαβαλοῦντας τὴν ἐμὴν ἡλικίαν, οὔτε τοὺς ἐπαινεσομένους καὶ σωφρονεῖν με νομιοῦντας, εἰ τὸν ἐχθρὸν τοῦ πατρὸς τιμωρεῖσθαι προαιροῦμαι· ἀλλ' ἡγούμενος ταῦτα μὲν οὕτως ὅπως ἂν τύχη παρὰ τοῖς ἀκρωμένοις συμβήσεσθαι, ἐμοὶ δὲ τὸ προσταχθὲν ὑπὸ τοῦ πατρὸς, ἄλλως τε καὶ δίκαιον  
 59 ὄν, τοῦτ' εἶναι ποιητέον. πότε γάρ με καὶ δεῖ βοηθεῖν αὐτῷ; οὐχ ὅταν ἡ μὲν τιμωρία κατὰ τοὺς νόμους ᾗ, μετέχων δ' αὐτὸς τυγχάνω τῆς τοῦ πατρὸς ἀτυχίας, μόνος δὲ καταλελειμμένος ὁ

<sup>a</sup> The marble slab upon which the decree was inscribed.



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who has transgressed both your decree and the laws which maintain our state. And shall we prevent from wrongdoing the islanders, against whom we must man our ships in order to hold them to their duty, but you abominable creatures, upon whom these jurymen should inflict the penalty according to the laws, while they sit right here—shall we let *you* go? (*To the jury.*) You will not, at least if you are wise.

(*To the clerk.*) Read the stelê.<sup>a</sup>

### THE STELÊ

Regarding the laws, then, and the case before you 57  
I do not know what need there is to say more; for, I take it, you have been adequately informed. It is my purpose, after begging justice at your hands for my father and myself, to come down from the platform and trouble you no further. I felt, men of the jury, that it was my duty to come to my father's aid, and I thought that this course was just; so I lodged this criminal information, as I told you at the outset, although I knew well that those who wished 58  
to calumniate me would find words which would fling reproach upon my youth, while others would praise me and hold that I was acting wisely in seeking to take vengeance on the enemy of my father. However, I knew that, while the effect on my hearers would be as fortune might determine, I was none the less in duty bound to carry out the command laid upon me by my father, especially as it was a just one. For when, pray, should I come to his aid? Should it not be now, when the opportunity of aveng- 59  
ing him in accordance with the laws is open to me, when I myself share in my father's misfortune, and he has been left desolate? This is precisely what

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- πατήρ; ὅπερ νῦν συμβέβηκεν. πρὸς γὰρ τοῖς ἄλλοις ἀτυχήμασι καὶ τοῦθ' ἡμῖν, ὦ ἄνδρες δικασταί, συμβέβηκεν· παροξύνουσι μὲν ἡμᾶς ἅπαντες καὶ συνάχθεσθαί φασι τοῖς γεγενημένοις καὶ δεινὰ πεπονθέναι λέγουσι καὶ τοῦτον ἔνοχον εἶναι τῇ ἐνδείξει, συμπράττειν δ' οὐδεὶς ἐθέλει τῶν εἰπόντων, οὐδέ φησιν ἀπεχθάνεσθαι βούλεσθαι φανερώς· οὕτως ἔλαττον παρά τισι τὸ δίκαιον ἰσχύει τῆς
- 60 παρρησίας. πολλῶν δ' ἡμῖν, ὦ ἄνδρες δικασταί,  
 [1341] διὰ τουτουὶ Θεοκρίνην ἀτυχημάτων ἐν ὀλίγῳ χρόνῳ συμβεβηκότων, οὐδενὸς ἔλαττόν ἐστι τὸ νῦν συμβαῖνον, ὅτι τὰ δεινὰ καὶ παρὰ τοὺς νόμους πεπραγμένα Θεοκρίνει τῷ μὲν πατρὶ τῷ πεπονθότι καὶ δυναμένῳ ἂν δηλώσαι πρὸς ὑμᾶς ἐξ ἀνάγκης ἡσυχίαν ἐκτέον ἐστίν (οἱ γὰρ νόμοι ταῦτα κελεύουσιν), ἐμοὶ δὲ τῷ πάντων τούτων ὑστερίζοντι λεκτέον, καὶ τοῖς μὲν ἄλλοις τοῖς τηλικούτοις οἱ πατέρες βοηθοῦσιν, οὗτος δ' ἐν ἐμοὶ νῦν ἔχει τὰς ἐλπίδας.
- 61 Τοιοῦτον οὖν ἀγωνιζόμενοι ἀγῶνα δεόμεθ' ὑμῶν ἐπικουρεῖν ἡμῖν, καὶ δεῖξαι πᾶσιν ὅτι, κἂν παῖς κἂν γέρων κἂν ἡντιοῦν ἡλικίαν ἔχων ἦκη πρὸς ὑμᾶς κατὰ τοὺς νόμους, οὗτος τεύξεται πάντων τῶν δικαίων. καλὸν γάρ, ὦ ἄνδρες δικασταί, μήτε τοὺς νόμους μήθ' ὑμᾶς αὐτοὺς ἐπὶ τοῖς λέγουσι ποιεῖν, ἀλλ' ἐκείνους ἐφ' ὑμῖν, καὶ χωρὶς κρίνειν τοὺς τ' εὖ καὶ σαφῶς καὶ τοὺς τὰ δίκαια λέγοντας·
- 62 περὶ γὰρ τούτου τὴν ψῆφον ὁμωμόκατ' οἴσειν. οὐ γὰρ δὴ πείσει γ' ὑμᾶς οὐδεὶς ὡς ἐπιλείψουσιν οἱ

has now come about. For, in addition to our other misfortunes, men of the jury, this too has befallen us : everybody urges us on, expresses sympathy for what has happened, says that we have been outrageously treated, and that the defendant is liable to the criminal information ; yet no one of those who say these things is willing to co-operate with us or declares his readiness openly to incur the enmity of Theocrines. So true is it that with some people the love of right is not strong enough to lead them to speak out frankly. And, men of the jury, while 60 many misfortunes have befallen us in a short period of time because of this fellow Theocrines, no one of them is more grievous than the present one, that, namely, my father, to whom the wrong was done and who could set forth to you the cruel and illegal acts of Theocrines, must keep silent (for the laws so bid), and I, who am unequal to all these tasks, must do the talking ; and whereas other youths of my age are aided by their fathers, my father now rests his hopes on me.

Seeing, then, that we are engaged in so unequal 61 a contest, we beg you all to come to our aid and to make it clear to all men that, whether a boy or an old man, or one of any age, comes before you in accordance with the laws, he will obtain complete justice. The honourable course for you, men of the jury, is, not to put the laws or your own selves in the power of those who speak, but to keep the speakers in your power, and to make a distinction between those who speak well and lucidly, and those who speak what is just ; for it is concerning justice that you have sworn to cast your votes. For no 62 man surely will persuade you that there will be any

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τοιοῦτοι ῥήτορες, οὐδ' ὡς διὰ τοῦτο χεῖρον ἢ πόλις  
 οἰκήσεται. τούναντίον γάρ ἐστιν, ὡς ἐγὼ τῶν  
 πρεσβυτέρων ἀκούω· τότε γάρ φασιν ἄριστα πράξαι  
 τὴν πόλιν, ὅτε μέτριοι καὶ σώφρονες ἄνδρες ἐπο-  
 λιτεύοντο. πότερον γὰρ συμβούλους εὖροι τις ἂν  
 τούτους ἀγαθούς; ἀλλ' οὐδὲν ἐν τῷ δήμῳ λέ-  
 γουσιν, ἀλλὰ τοὺς ἐκείθεν γραφόμενοι χρήματα  
 63 λαμβάνουσιν. ὁ καὶ θαυμαστόν ἐστιν, ὅτι ζῶντες  
 ἐκ τοῦ συκοφαντεῖν, οὗ φασι λαμβάνειν ἀπὸ τῆς  
 πόλεως· καὶ πρὶν προσελθεῖν πρὸς ὑμᾶς οὐδὲν  
 ἔχοντες, νῦν εὐποροῦντες οὐδὲ χάριν ὑμῖν ἔχουσιν,  
 ἀλλὰ περιμόντες λέγουσιν ὡς ἀβέβαιός ἐστιν ὁ  
 [1342] δῆμος, ὡς δυσχερῆς ὡς ἀχάριστος, ὥσπερ ὑμᾶς  
 διὰ τούτους εὐποροῦντας, οὐ τούτους διὰ τὸν δῆμον.  
 ἀλλὰ γὰρ εἰκότως ταῦθ' οὗτοι λέγουσιν, ὁρῶντες  
 τὴν ὑμετέραν ῥαθυμίαν. οὐδένα γὰρ ἀξίως αὐτῶν  
 τῆς πονηρίας τετιμώρησθε, ἀλλ' ὑπομένετε λεγόν-  
 των αὐτῶν, ὡς ἢ τοῦ δήμου σωτηρία διὰ τῶν  
 γραφομένων καὶ συκοφαντούντων ἐστίν· ὧν γένος  
 64 ἐξωλέστερον οὐδὲν ἐστιν. τί γὰρ ἂν τις τούτους  
 εὖροι χρησίμους ὄντας τῇ πόλει; τοὺς ἀδικοῦντας  
 νῆ Δί' οὗτοι κολάζουσι, καὶ διὰ τούτους ἐλάττους  
 εἰσὶν ἐκείνοι. οὐ δῆτ', ὦ ἄνδρες δικασταί, ἀλλὰ  
 καὶ πλείους· εἰδότες γὰρ οἱ κακόν τι βουλόμενοι  
 πράττειν, ὅτι τούτοις ἔστ' ἀπὸ τῶν λημμάτων τὸ  
 μέρος δοτέον, ἐξ ἀνάγκης μείζω προαιροῦνται παρὰ  
 τῶν ἄλλων ἀρπάξιν, ἵνα μὴ μόνον αὐτοῖς, ἀλλὰ  
 65 καὶ τούτοις ἔχωσιν ἀναλίσκειν. καὶ τοὺς μὲν  
 ἄλλους, ὅσοι κακουροῦντες βλάπτουσί τι τοὺς

lack of politicians like the defendant, or that the state will be less well administered because of that. Indeed the opposite is the case, as I hear from men older than myself. For they tell us that the state fared best when men of moderation and restraint were in public life. Would one find Theocrines and his fellows to be good counsellors? No; they say not a word in the assembly, but get money by indicting those who do speak there. And this is 63 an extraordinary thing: they make their living by pettifoggery, yet they say they get nothing from the state, and, while they possessed nothing before coming to you, now that they are well-to-do they do not even feel grateful to you, but go about saying that the people are fickle and surly and thankless, as if you prospered because of these men, and not they because of the people! But after all it is natural for them to say this, when they see how easy-going you are. For you have never punished any one of them in the way his wickedness deserves, but you put up with their saying that the safety of the democracy comes from those who bring indictments and baseless actions; than whom no more pernicious class exists. For in what could anyone find these people 64 useful to the state? They punish wrongdoers, it will be said, and through them the number of wrongdoers is lessened. Not so, men of the jury; it is even increased; for those who are minded to do evil, knowing that a portion of their gains must be given to these men, of necessity determine to exact more from the rest, that they may have enough to spend, not only upon themselves, but upon these men as well. Against all others who in their 65 wrongdoing work harm upon those who come into

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ἐντυγχάνοντας, τοὺς μὲν τῶν οἴκοι φυλακὴν καταστήσαντας σώζειν ἔστι, τοὺς δ' ἔνδον μένοντας τῆς νυκτὸς μηδὲν παθεῖν, τοὺς δ' ἐνὶ τῷ γε τρόπῳ φυλαξαμένους ἔνεστι διώσασθαι τὴν τῶν κακὸν τι βουλομένων ποιεῖν ἐπιβουλήν· τοὺς δὲ τοιουτούσι συκοφάντας, ποῖ χρὴ πορευθέντας ἀδείας παρὰ τούτων τυχεῖν; αἱ γὰρ τῶν ἄλλων ἀδικημάτων καταφυγαὶ τούτοις εἰσὶν ἐργασίαι, νόμοι, δικαστήρια, μάρτυρες, ἀγοραί· ἐν οἷς τὰς αὐτῶν ῥώμας ἐπιδείκνυνται, φίλους μὲν τοὺς διδόντας νομίζοντες, ἐχθροὺς δὲ τοὺς ἀπράγμονας καὶ πλουσίους.<sup>1</sup>

- 66 Ἐναμνησθέντες οὖν, ὧ ἄνδρες δικασταί, καὶ τῆς τούτων πονηρίας καὶ τῶν προγόνων τῶν ἡμετέρων, ὧν Ἐπιχάρης μὲν ὁ πάππος οὐμὸς Ὀλυμπίασι  
 [1343] νικήσας παῖδας στάδιον ἐστεφάνωσε τὴν πόλιν, καὶ παρὰ τοῖς ὑμετέροις προγόνοις ἐπιεικῆ δόξαν ἔχων ἐτελεύτησεν· ἡμεῖς δὲ δὴ διὰ τοῦτον τὸν θεοῖς  
 67 ἐχθρὸν ἀπεστερήμεθα ταύτης τῆς πόλεως, ὑπὲρ ἧς Ἄριστοκράτης ὁ Σκελίου, θεῖος ὢν Ἐπιχάρους τοῦ πάππου τοῦ ἐμοῦ, οὗ ἔχει ἀδελφὸς οὕτοσι τοῦνομα, πολλὰ καὶ καλὰ διαπραξάμενος ἔργα πολεμούσης τῆς πόλεως Λακεδαιμονίοις, κατασκάψας τὴν Ἡετιώνειαν, εἰς ἣν Λακεδαιμονίους ἔμελλον οἱ περὶ Κριτιάν ὑποδέχεσθαι, καθεῖλε μὲν τὸ ἐπιτείχισμα, κατήγαγε δὲ τὸν δῆμον κινδυνεύων αὐτὸς οὐ τοιούτους κινδύνους, ἀλλ' ἐν οἷς καὶ παθεῖν τι καλὸν ἔστιν, ἔπαυσε δὲ τοὺς ἐπι-

<sup>1</sup> καὶ πλουσίους bracketed by Blass.

<sup>a</sup> This was one of the forts guarding the Peiraeus. On Aristocrates and his struggle with the oligarchs, see Thucydides viii. 88-92.

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contact with them men may protect themselves, some by setting a guard over their household effects, others by staying at home at night, so as to suffer no harm, and again, by taking precautions in one way or another men can guard against the plots of those who wish to work them harm ; but against pettifoggers like this man—whither can one go to win security from *them* ? The things which are a means of escape from other crimes are the stock-in-trade of these men—the laws, that is, the courts, witnesses, assemblies. It is here that they show their strength, counting as friends those who offer them money, and the quiet and wealthy people as their foes.

Remember, therefore, men of the jury, the wicked- 66  
ness of these men, and remember also our ancestors, of whom Epichares, my grandfather, was victor in the foot-race for boys at Olympia and won a crown for the city, and enjoyed good report among your ancestors as long as he lived ; whereas we, thanks to this god-detested fellow, have been deprived of our citizenship in that state in defence of which Aristocrates, son of Scelius, the uncle of my grand- 67  
father Epichares, whose name my brother here bears, performed many glorious deeds, when our country was at war with the Lacedaemonians. He razed to the ground Eetioneia,<sup>a</sup> into which Critias <sup>b</sup> and his faction were about to receive the Lacedaemonians, destroyed the fortress raised against us, and restored the people to their country, incurring himself dangers not like those which we are incurring, but dangers in which even disaster is glorious ; and he put a stop

<sup>b</sup> Critias was one of the leaders of the Thirty Tyrants. Epichares is at fault in his chronology.

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68 βουλευόντας ὑμῖν. δι' οὖν, εἰ Θεοκρίνει τουτωὶ ὅμοιοι ὄντες ἐτυγχάνομεν, εἰκότως ἐσώζετ' ἂν ἡμᾶς, μὴ ὅτι βελτίους ὄντας τούτου καὶ δίκαια λέγοντας.

Οὐ γὰρ πολλάκις γ' ὑμᾶς ταῦτα λέγοντες ἐνοχλήσομεν· οὕτω γὰρ ἡμᾶς οὗτος διατέθηκεν, ὥσθ', ὅπερ ἐξ ἀρχῆς εἶπον, μηδ' ἐλπίδ' ἡμῖν εἶναι μηδεμίαν τοῦ μετασχεῖν τῆς καὶ τοῖς ξένοις δεδομένης  
 69 παρρησίας. ἴν' οὖν, εἰ μηδὲν ἄλλο, ταύτην γ' ἔχωμεν παραψυχὴν, τὸ καὶ τοῦτον ὄραν ἡσυχίαν ἄγοντα, βοηθήσαθ' ἡμῖν, ἐλεήσατε τοὺς ὑπὲρ τῆς πατρίδος ἡμῶν τετελευτηκότας, ἀναγκάσατ' αὐτὸν ὑπὲρ αὐτῆς τῆς ἐνδείξεως ἀπολογεῖσθαι, καὶ τοιοῦτοι γένεσθ' αὐτῷ δικασταὶ τῶν λεγομένων, οἷος  
 70 οὗτος ἐγένεθ' ἡμῶν κατήγορος, ὃς ἐξαπατήσας τοὺς δικαστὰς οὐκ ἠθέλησε τιμῆσασθαι μετρίου τινὸς τῷ πατρί, πόλλ' ἐμοῦ δεηθέντος καὶ τοῦτον  
 [1344] ἱκετεύσαντος πρὸς τῶν γονάτων, ἀλλ' ὥσπερ τὴν πόλιν προδεδωκότι τῷ πατρί δέκα ταλάντων ἐτιμῆσατο. δεόμεθ' οὖν ὑμῶν καὶ ἀντιβολουῦμεν, τὰ δίκαια ψηφίσασθε.

Βοήθησον ἡμῖν ὁ δεῖνα, εἴ τι ἔχεις, καὶ σύνειπε. ἀνάβηθι.



to those who were plotting against you. For his 68  
 sake, even if we had been like this fellow Theocrines,  
 you would with good right have preserved us ; to  
 say nothing of our being better than he and of our  
 pleading a cause which is just.

We will not burden you by constantly repeating  
 these things, for the defendant has brought us into  
 such plight that, as I said at the outset, we have  
 no hope of sharing in that freedom of speech which  
 is granted even to aliens. In order, therefore, that, 69  
 if we get nothing else, we may at least have the  
 satisfaction of seeing the defendant also reduced  
 to silence, come to our aid ; have pity on those of  
 our family who have died for their country ; compel  
 Theocrines to make his defence on the questions  
 raised by the indictment itself ; and show yourselves  
 as judges of his words such as he showed himself  
 as our accuser. For he, after deceiving the jury, 70  
 refused to propose any moderate penalty for my  
 father, although I pleaded with him earnestly and  
 clasped his knees in entreaty ; but, as if my father  
 had betrayed our country, he fixed the penalty at  
 ten talents. We, therefore, beg and implore you :  
 give us a just verdict.

Come to our aid, anyone who has anything to say,  
 and plead for us. (*To one who rises to speak.*) Mount  
 the platform.



AGAINST NEAERA



## INTRODUCTION

APOLLODORUS and his brother-in-law Theomnestus brought an indictment against a woman, Neaera, charging that she, being herself an alien, was living as wife with Stephanus, who was an Athenian citizen. The law (see § 16) ordained that such a woman should upon conviction be sold as a slave, and that the man living with her should be fined one thousand drachmae. The technical name for the suit was *γραφὴ ξενίας*, an indictment charging the usurpation of civic rights. It was of course a public, not a private, suit.

The former of the two speakers (for Theomnestus merely opens the case and then calls upon Apollodorus as co-pleader) frankly states that their purpose in bringing the suit is to be revenged upon Stephanus for the wrongs which they had suffered at his hands, and, while Neaera is the technical defendant, much of the speech is directed against Stephanus.

It appears that in the year 349 B.C. Stephanus had attacked and convicted Apollodorus on the charge of having secured the passage of an illegal decree (see § 5), and had fixed the penalty at the ruinous sum of fifteen talents, which the jury, fortunately for the defendant, had reduced to one talent. At a later date he had again indicted Apollodorus on a charge of murder (see § 9), but in this case the defendant was acquitted.

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The speech before us is therefore a bitter personal attack upon Neaera and Stephanus. It is charged that the former had been a slave and a common prostitute, and that the latter had tried to pass off her children as his own and had twice given a daughter of hers in marriage to Athenian citizens as being herself of genuine civic birth. In the latter case the deceived husband was a certain Theogenes who held the office of king-archon, as whose wife the woman in question had to perform religious functions of the most sacred sort.

The details of Neaera's life as a courtesan, the baseness of Stephanus in making use of her and her daughter for the purpose of extorting blackmail, and the repudiation of Neaera's daughter by her two successive husbands, when they learned the truth of her origin, are narrated with great, and perhaps unnecessary, frankness.

The only defence, it would appear, that Stephanus could make was that the children were indeed his own, borne to him by a legitimate Athenian wife before the period of his association with Neaera. Yet the daughter was sent away by her two successive husbands, as being an alien and the daughter of Neaera, and her son was denied admission to the clan. Furthermore, Apollodorus was ready to let the question of the children's parentage be determined by putting to the torture the women-servants of Neaera, and declares that he tendered this challenge to Stephanus, but that the latter refused to allow the test. Why Stephanus should have taken this course, if the children were really his own, it is hard to see.

The Stephanus here attacked cannot have been

## AGAINST NEAERA

the same as the one whom Apollodorus (in Oration XLV) had previously charged with giving false testimony, for if that had been the case, the speaker would certainly in that suit have made use of the facts brought forward in this oration.

Both ancient and modern critics have for the most part agreed in regarding this oration as the work of someone other than Demosthenes. The date can be fixed with fair accuracy. The speech must have been written before Demosthenes renewed and put through the proposal of Apollodorus regarding the Theoric funds in 339 B.C., and after the return to Athens of the poet Xenocleides (see § 26), who was banished from Macedonia in 373 B.C.

The student may consult Schaefer, iii. pp. 179 ff., and Blass, iii. pp. 535 ff.

## LIX

## ΚΑΤΑ ΝΕΑΙΡΑΣ

[1345] Πολλά με τὰ παρακαλοῦντα ἦν, ὧ ἄνδρες Ἀθηναῖοι, γράψασθαι Νέαιραν τὴν γραφὴν ταυτηνὴ καὶ εἰσελθεῖν εἰς ὑμᾶς. καὶ γὰρ ἡδίκημεθα ὑπὸ Στεφάνου μεγάλα, καὶ εἰς κινδύνους τοὺς ἐσχάτους κατέστημεν ὑπ' αὐτοῦ, ὃ τε κηδεστὴς καὶ ἐγὼ καὶ ἡ ἀδελφὴ καὶ ἡ γυνὴ ἡ ἐμή, ὥστ' οὐχ ὑπάρχων, ἀλλὰ τιμωρούμενος ἀγωνιοῦμαι τὸν ἀγῶνα τουτονί. τῆς γὰρ ἔχθρας πρότερος οὗτος ὑπήρξεν, οὐδὲν ὑφ' ἡμῶν πώποτε οὔτε λόγῳ οὔτε ἔργῳ κακὸν παθῶν. βούλομαι δ' ὑμῖν προδιηγῆσασθαι πρῶτον ἃ πεπόνθαμεν ὑπ' αὐτοῦ, ἵνα μᾶλλον μοι συγγνώμην ἔχητε ἀμυνομένῳ, καὶ ὡς εἰς τοὺς ἐσχάτους κινδύνους κατέστημεν περὶ τε τῆς πατρίδος καὶ περὶ ἀτιμίας.

2 Ὑψηφισαμένου γὰρ τοῦ δήμου τοῦ Ἀθηναίων Ἀθηναῖον εἶναι Πασίωνα καὶ ἐκγόνους τοὺς ἐκείνου διὰ τὰς εὐεργεσίας τὰς εἰς τὴν πόλιν, ὁμογνώμων καὶ ὁ πατὴρ ἐγένετο ὁ ἐμὸς τῇ τοῦ δήμου δωρειᾷ, καὶ ἔδωκεν Ἀπολλοδώρῳ τῷ υἱεῖ τῷ

<sup>a</sup> Pasion, the well-known banker; see the Introduction to Oration XXXVI, in vol. i.



## LIX

### THEOMNESTUS AND APOLLODORUS AGAINST NEAERA

*(Theomnestus, who brings the indictment, speaks.)*

MANY indeed are the reasons, men of Athens, which urged me to prefer this indictment against Neaera, and to come before you. We have suffered grievous wrongs at the hands of Stephanus and have been brought by him into the most extreme peril, I mean my father-in-law, myself, my sister, and my wife ; so that I shall enter upon this trial, not as an aggressor, but as one seeking vengeance. For Stephanus was the one who began our quarrel without ever having been wronged by us in word or deed. I wish at the outset to state before you the wrongs which we have suffered at this hands, in order that you may feel more indulgence for me as I seek to defend myself and to show you into what extreme danger we were brought by him of losing our country and our civic rights.

When the people of Athens passed a decree granting <sup>2</sup> the right of citizenship to Pasion<sup>a</sup> and his descendants on account of services to the state, my father favoured the granting of the people's gift, and himself gave in marriage to Apollodorus, son of Pasion, his

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ἐκείνου θυγατέρα μὲν αὐτοῦ, ἀδελφὴν δὲ ἐμὴν, ἐξ  
 ἧς Ἀπολλοδώρῳ οἱ παῖδές εἰσιν. ὄντος δὲ χρηστοῦ  
 τοῦ Ἀπολλοδώρου περὶ τε τὴν ἀδελφὴν τὴν ἐμὴν  
 καὶ περὶ ἡμᾶς ἅπαντας, καὶ ἡγουμένου τῇ ἀληθείᾳ  
 οἰκείους ὄντας κοινωνεῖν πάντων τῶν ὄντων, ἔλαβον  
 [1346] καὶ ἐγὼ γυναῖκα Ἀπολλοδώρου μὲν θυγατέρα,  
 3 ἀδελφιδὴν δ' ἐμαυτοῦ. προεληλυθότος δὲ χρόνου  
 λαγχάνει βουλευεῖν Ἀπολλόδωρος· δοκιμασθεῖς δὲ  
 καὶ ὁμόσας τὸν νόμιμον ὄρκον, συμβάντος τῇ  
 πόλει καιροῦ τοιούτου καὶ πολέμου, ἐν ᾧ ἦν ἡ  
 κρατήσασιν ὑμῖν μεγίστοις τῶν Ἑλλήνων εἶναι,  
 καὶ ἀναμφισβητήτως τά τε ὑμέτερα αὐτῶν κεκο-  
 μίσθαι καὶ καταπεπολεμηκέναί Φίλιππον, ἢ ὑστερή-  
 σασι τῇ βοθηθείᾳ καὶ προεμένοις τοὺς συμμάχους,  
 δι' ἀπορίαν χρημάτων καταλυθέντος τοῦ στρατο-  
 πέδου, τούτους τ' ἀπολέσαι, καὶ τοῖς ἄλλοις Ἑλ-  
 λησιν ἀπίστους εἶναι δοκεῖν, καὶ κινδυνεύειν περὶ  
 τῶν ὑπολοίπων, περὶ τε Λήμνου καὶ Ἰμβρου καὶ  
 4 Σκύρου καὶ Χερρονήσου· καὶ μελλόντων στρα-  
 τεύεσθαι ὑμῶν πανδημεὶ εἰς τε Εὐβοίαν καὶ  
 Ὀλυνθον, ἔγραψε ψήφισμα ἐν τῇ βουλῇ Ἀπολλό-  
 δωρος βουλευόντων καὶ ἐξήνεγκε προβούλευμα εἰς  
 τὸν δῆμον, λέγον διαχειροτονῆσαι τὸν δῆμον, εἴτε  
 δοκεῖ τὰ περιόντα χρήματα τῆς διοικήσεως στρα-  
 τιωτικὰ εἶναι εἴτε θεωρικά, κελευόντων μὲν τῶν  
 νόμων, ὅταν πόλεμος ᾖ, τὰ περιόντα χρήματα τῆς  
 διοικήσεως στρατιωτικὰ εἶναι, κύριον δ' ἡγού-

<sup>a</sup> Due to Philip's aggressive actions in the Chersonese in 343-340 B.C.

<sup>b</sup> That is, especially Byzantium and the states in the Chersonese and in Thrace.

own daughter, my sister, and she is the mother of the children of Apollodorus. Inasmuch as Apollodorus acted honourably toward my sister and toward all of us, and considered us in truth his relatives and entitled to share in all that he had, I took to wife his daughter, my own niece. After some time had <sup>3</sup> elapsed Apollodorus was chosen by lot as a member of the senate; and when he had passed the scrutiny and had sworn the customary oath, there came upon the city a war<sup>a</sup> and a crisis so grave that, if victors, you would be supreme among the Greek peoples, and would beyond possibility of dispute have recovered your own possessions and have crushed Philip in war; but, if your help arrived too late and you abandoned your allies,<sup>b</sup> allowing your army to be disbanded for want of money, you would lose these allies, forfeit the confidence of the rest of the Greeks, and risk the loss of your other possessions, Lemnos and Imbros, and Scyros and the Chersonese.<sup>c</sup> You were at that time on the point of sending your <sup>4</sup> entire force to Euboea and Olynthus,<sup>d</sup> and Apollodorus, being one of its members, brought forward in the senate a bill, and carried it as a preliminary decree<sup>e</sup> to the assembly, proposing that the people should decide whether the funds remaining over from the state's expenditure should be used for military purposes or for public spectacles. For the laws prescribed that, when there was war, the funds remaining over from state expenditures should be devoted to military purposes, and Apollodorus believed that the

<sup>c</sup> Lemnos, Imbros, and Scyros, all islands in the Aegean. The Chersonese was the peninsula of Gallipoli.

<sup>d</sup> Olynthus, an important city in Chalcidicê.

<sup>e</sup> The senate could not legislate of itself. Decrees passed by it had to be submitted to the popular assembly.

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μενος δεῖν τὸν δῆμον εἶναι περὶ τῶν αὐτοῦ ὃ τι ἂν  
 βούληται πράξαι, ὁμωμοκῶς δὲ τὰ βέλτιστα βου-  
 λεύσειν τῷ δήμῳ τῷ Ἀθηναίων, ὡς ὑμεῖς πάντες  
 5 ἐμαρτυρήσατε ἐν ἐκείνῳ τῷ καιρῷ. γενομένης  
 γὰρ τῆς διαχειροτονίας, οὐδεὶς ἀντεχειροτόνησεν ὡς  
 οὐ δεῖ τοῖς χρήμασι τούτοις στρατιωτικοῖς χρῆσθαι,  
 ἀλλὰ καὶ νῦν ἔτι, ἂν που λόγος γένηται, παρὰ  
 πάντων ὁμολογεῖται, ὡς τὰ βέλτιστα εἰπὼν ἄδικα  
 πάθοι. τῷ οὖν ἐξαπατήσαντι τῷ λόγῳ τοὺς δι-  
 καστὰς δίκαιον ὀργίζεσθαι, οὐ τοῖς ἐξαπατηθεῖσι.

[1347]

6 Γραψάμενος γὰρ παρανόμων τὸ ψήφισμα Στέ-  
 φανος οὕτως καὶ εἰσελθὼν εἰς τὸ δικαστήριον,  
 ἐπὶ διαβολῇ ψευδεῖς μάρτυρας παρασχόμενος, ὡς  
 ὦφλε τῷ δημοσίῳ ἐκ πέντε καὶ εἴκοσιν ἐτῶν,<sup>1</sup> καὶ  
 ἔξω τῆς γραφῆς πολλὰ κατηγορῶν, εἶλε τὸ ψή-  
 φισμα.

Καὶ τοῦτο μὲν εἰ αὐτῷ ἐδόκει διαπράξασθαι, οὐ  
 χαλεπῶς φέρομεν· ἀλλ' ἐπειδὴ περὶ τοῦ τιμήματος  
 ἐλάμβανον τὴν ψήφον οἱ δικασταί, δεομένων ἡμῶν  
 συγχωρῆσαι οὐκ ἤθελεν, ἀλλὰ πεντεκαίδεκα τα-  
 λάντων ἐτιμᾶτο, ἵνα ἀτιμώσκειν αὐτὸν καὶ παῖδας  
 τοὺς ἐκείνου, καὶ τὴν ἀδελφὴν τὴν ἐμὴν καὶ ἡμᾶς  
 ἅπαντας εἰς τὴν ἐσχάτην ἀπορίαν καταστήσειε καὶ  
 7 ἔνδειαν ἀπάντων. ἡ μὲν γὰρ οὐσία οὐδὲ τριῶν  
 τάλαντων πάνυ τι ἦν, ὥστε δυνηθῆναι ἐκτεῖσαι  
 τοσοῦτον ὄφλημα· μὴ ἐκτεισθέντος δὲ τοῦ ὀφλή-  
 ματος ἐπὶ τῆς ἐνάτης πρυτανείας, διπλοῦν ἔμελλεν  
 ἔσεσθαι τὸ ὄφλημα καὶ ἐγγραφῆσεσθαι Ἀπολλό-

<sup>1</sup> The words ὡς . . . ἐτῶν occur in the mss. after ψευδῆ in § 9, but were transferred to this place by Sauppe.

<sup>a</sup> The prytny was a tenth of the year, properly, the period

people ought to have power to do what they pleased with their own ; and he had sworn that, as member of the senate, he would act for the best interests of the Athenian people, as you all bore witness at that crisis. For when the division took place there was 5 not a man whose vote opposed the use of these funds for military purposes ; and even now, if the matter is anywhere spoken of, it is acknowledged by all that Apollodorus gave the best advice, and was unjustly treated. It is, therefore, upon the one who by his arguments deceived the jurors that your wrath should fall, not upon those who were deceived.

This fellow Stephanus indicted the decree as 6 illegal, and came before a court. He produced false witnesses to substantiate the calumnious charge that Apollodorus had been a debtor to the treasury for twenty-five years, and by making all sorts of accusations that were foreign to the indictment won a verdict against the decree.

So far as this is concerned, if he saw fit to follow this course, we do not take it ill ; but when the jurors were casting their votes to fix the penalty, although we begged him to make concessions, he would not listen to us, but fixed the fine at fifteen talents in order to deprive Apollodorus and his children of their civic rights, and to bring my sister and all of us into extremest distress and utter destitution. For the property of Apollodorus did 7 not amount to as much as three talents to enable him to pay in full a fine of such magnitude, yet if it were not paid by the ninth prytany <sup>a</sup> the fine would have been doubled and Apollodorus would

during which each of the tribes held the presidency of the senate. See note *a* on p. 300 of vol. ii.

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- δωρος τριάκοντα τάλαντα ὀφείλων τῷ δημοσίῳ·  
 ἐγγεγραμμένου δὲ τῷ δημοσίῳ, ἀπογραφῆσεσθαι  
 ἔμελλεν ἢ ὑπάρχουσα οὐσία Ἀπολλοδώρῳ δημοσία  
 εἶναι, πραθείσης δ' αὐτῆς, εἰς τὴν ἐσχάτην ἀπορίαν  
 καταστήσεσθαι καὶ αὐτὸς καὶ παῖδες οἱ ἐκείνου  
 8 καὶ γυνὴ καὶ ἡμεῖς ἅπαντες. ἔτι δὲ καὶ ἡ ἑτέρα  
 θυγάτηρ ἀνέκδοτος ἔμελλεν ἔσεσθαι· τίς γὰρ ἂν  
 ποτε παρ' ὀφείλοντος τῷ δημοσίῳ καὶ ἀποροῦντος  
 ἔλαβεν ἄπροικον; οὐκοῦν τηλικούτων κακῶν αἴτιος  
 ἡμῖν πᾶσιν ἐγίγνετο, οὐδὲν πώποτε ὑφ' ἡμῶν  
 ἡδίκημένος. τοῖς μὲν οὖν δικασταῖς τοῖς τότε  
 [1348] δικάσασι πολλὴν χάριν κατὰ γε τοῦτ' ἔχω, ὅτι οὐ  
 περιεῖδον αὐτὸν ἀναρπασθέντα, ἀλλ' ἐτίμησαν  
 ταλάντου, ὥστε δυνηθῆναι ἐκτεῖσαι μόλις· τούτῳ  
 δὲ δικαίως τὸν αὐτὸν ἔρανον ἐνεχειρήσαμεν ἀπο-  
 δοῦναι.
- 9 Καὶ γὰρ οὐ μόνον ταύτῃ ἐζήτησεν ἀνελεῖν ἡμᾶς,  
 ἀλλὰ καὶ ἐκ τῆς πατρίδος αὐτὸν ἐβουλήθη ἐκβαλεῖν.  
 ἐπενέγκας γὰρ αὐτῷ αἰτίαν ψευδῆ, ὡς Ἀφίδναζέ  
 ποτε ἀφικόμενος ἐπὶ δραπέτην αὐτοῦ ζητῶν  
 πατάξειε γυναῖκα καὶ ἐκ τῆς πληγῆς τελευτήσειεν  
 ἢ ἄνθρωπος, παρασκευασάμενος<sup>1</sup> ἀνθρώπους δού-  
 λους καὶ κατασκευάσας<sup>2</sup> ὡς Κυρηναῖοι εἶησαν,  
 10 προεῖπεν<sup>3</sup> αὐτῷ ἐπὶ Παλλαδίῳ φόνου. καὶ ἔλεγε  
 τὴν δίκην Στέφανος οὐτοσί, διομοσάμενος ὡς

<sup>1</sup> παρασκευασάμενος] παρασκευασάμενοι Blass.

<sup>2</sup> κατασκευάσας] κατασκευάσαντες Blass.

<sup>3</sup> προεῖπεν] προεῖπον Blass.

<sup>a</sup> Aphidna, a deme of the tribe Aeantis.

<sup>b</sup> An important city in Libya in Northern Africa.

<sup>c</sup> For the court of the Palladium, see note *b* on p. 320 of vol. ii. In the case alluded to an ordinary court of five

have been inscribed as owing thirty talents to the treasury, all the property that he has would have been scheduled as belonging to the state, and upon its being sold Apollodorus himself and his children and his wife and all of us would have been reduced to extremest distress. And more 8 than this, his other daughter would never have been given in marriage; for who would ever have taken to wife a portionless girl from a father who was a debtor to the treasury and without resources? Of such magnitude, you see, were the calamities which Stephanus was bringing upon us all without ever having been wronged by us in any respect. To the jurors, therefore, who at that time decided the matter I am deeply grateful for this at least, that they did not suffer Apollodorus to be utterly ruined, but fixed the amount of the fine at one talent, so that he was able to discharge the debt, although with difficulty. With good reason, then, have we undertaken to pay Stephanus back in the same coin.

For not only did Stephanus seek in this way 9 to bring us to ruin, but he even wished to drive Apollodorus from his country. He brought a false charge against him that, having once gone to Aphidna<sup>a</sup> in search of a runaway slave of his, he had there struck a woman, and that she had died of the blow; and he suborned some slaves and got them to give out that they were men of Cyrenê,<sup>b</sup> and by public proclamation cited Apollodorus before the court of the Palladium<sup>c</sup> on a charge of murder. This fellow Stephanus prosecuted the 10 case, declaring on oath that Apollodorus had killed

hundred jurors seems to have sat in the place of the Ephetae (see note *a* on p. 98 of vol. ii.).

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ἔκτεινεν Ἀπολλόδωρος τὴν γυναῖκα αὐτοχειρία, ἐξώλειαν αὐτῷ καὶ γένει καὶ οἰκίᾳ ἐπαρασάμενος, ἃ οὐτ' ἐγένετο οὐτ' εἶδεν οὐτ' ἤκουσεν οὐδενὸς πώποτ' ἀνθρώπων. ἐξελεγχθεῖς δ' ἐπιωρκῶν καὶ ψευδῆ αἰτίαν ἐπιφέρων, καὶ καταφανῆς γενόμενος μεμισθωμένος ὑπὸ Κηφισοφῶντος καὶ Ἀπολλοφάνους, ὥστ' ἐξελάσαι Ἀπολλόδωρον ἢ ἀτιμῶσαι ἀργύριον εἰληφώς, ὀλίγας ψήφους μεταλαβῶν ἐκ πεντακοσίων, ἀπῆλθεν ἐπιωρκηκῶς καὶ δόξας πονηρὸς εἶναι.

- 11 Σκοπεῖτε δὴ αὐτοί, ὦ ἄνδρες δικασταί, ἐκ τῶν εἰκότων λογιζόμενοι πρὸς ὑμᾶς αὐτοὺς, τί ἂν ἐχρησάμην ἐμαυτῷ καὶ τῇ γυναικὶ καὶ τῇ ἀδελφῇ, εἴ τι Ἀπολλοδώρῳ συνέβη παθεῖν ὧν Στέφανος οὐτοσί ἐπεβούλευσεν αὐτῷ, ἢ ἐν τῷ προτέρῳ ἢ ἐν τῷ ὑστέρῳ ἀγῶνι; ἢ ποία αἰσχύνῃ οὐκ ἂν καὶ <sup>12</sup> συμφορᾷ περιπεπτωκῶς ἦν; παρακαλούντων δὴ [1349] με ἀπάντων, ἰδία προσιόντων μοι, ἐπὶ τιμωρίαν τραπέσθαι ὧν ἐπάθομεν ὑπ' αὐτοῦ, καὶ ὄνειδιζόντων μοι ἀνανδρότατον ἀνθρώπων εἶναι, εἰ οὕτως οἰκείως ἔχων τὰ πρὸς τούτους, μὴ λήψομαι δίκην ὑπὲρ ἀδελφῆς καὶ κηδεστοῦ καὶ ἀδελφιδῶν καὶ γυναικὸς ἐμαυτοῦ, μηδὲ τὴν περιφανῶς εἰς τοὺς θεοὺς ἀσεβοῦσαν καὶ εἰς τὴν πόλιν ὑβρίζουσαν καὶ τῶν νόμων καταφρονοῦσαν τῶν ὑμετέρων, εἰσαγαγὼν εἰς ὑμᾶς καὶ ἐξελέγξας τῷ λόγῳ ὡς ἀδικεῖ, κυρίου καταστήσω ὃ τι ἂν βούλησθε χρῆσθαι
- 13 αὐτῇ· καὶ ὥσπερ Στέφανος οὐτοσί ἐμὲ ἀφηρέϊτο



the woman with his own hand, and he imprecated destruction upon himself and his race and his house, affirming matters which had never taken place, which he had never seen or heard from any human being. However, since he was proved to have committed perjury and to have brought forward a false accusation, and was shown to have been hired by Cephisophon and Apollophanes to procure for pay the banishment or the disfranchisement of Apollodorus, he received but a few votes out of a total of five hundred, and left the court a perjured man and one with the reputation of a scoundrel.

Now, men of the jury, I would have you ask 11 yourselves, considering in your own minds the natural course of events, what I could have done with myself and my wife and my sister, if it had fallen to the lot of Apollodorus to suffer any of the injuries which this fellow Stephanus plotted to inflict upon him in either the former or the latter trial, or how great were the disgrace and the ruin in which I should have been involved. People came 12 to me privately from all sides exhorting me to exact punishment from my opponent for the wrongs he had done us. They flung in my teeth the charge that I was the most cowardly of humankind, if, being so closely related to them, I did not take vengeance for the injuries done my sister, my father-in-law, my sister's children, and my own wife, and if I did not bring before you this woman who is guilty of such flagrant impiety toward the gods, of such outrage toward the commonwealth, and of such contempt for your laws, and by prosecuting her and by my arguments convicting her of crime, to enable you to deal with her as you might see fit. And as 13

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τοὺς οἰκείους παρὰ τοὺς νόμους καὶ τὰ ψηφίσματα τὰ ὑμέτερα, οὕτω καὶ ἐγὼ τοῦτον ἤκω ἐπιδείξω εἰς ὑμᾶς, ξένη μὲν γυναικὶ συνοικούντα παρὰ τὸν νόμον, ἄλλοτρίους δὲ παῖδας εἰσαγαγόντα εἰς τοὺς φράτερας καὶ εἰς τοὺς δημότας, ἐγγυῶντα δὲ τὰς τῶν ἑταιρῶν θυγατέρας ὡς αὐτοῦ οὔσας, ἡσεβηκότα δ' εἰς τοὺς θεούς, ἄκυρον δὲ ποιούντα τὸν δῆμον τῶν αὐτοῦ, ἂν τινα βούληται πολίτην ποιήσασθαι· τίς γὰρ ἂν ἔτι παρὰ τοῦ δήμου ζητήσῃ λαβεῖν δωρεῖάν, μετὰ πολλῶν ἀναλωμάτων καὶ πραγματείας πολίτης μέλλων ἔσεσθαι, ἐξὸν παρὰ Στεφάνου ἀπ' ἐλάττονος ἀναλώματος, εἴ γε τὸ αὐτὸ τοῦτο γενήσεται αὐτῷ;

- 14 Ἄ μὲν οὖν ἀδικηθεὶς ἐγὼ ὑπὸ Στεφάνου πρότερος ἐγραψάμην τὴν γραφὴν ταύτην, εἶρηκα πρὸς ὑμᾶς· ὡς δ' ἐστὶ ξένη Νέαιρα αὐτῇ καὶ συνοικεῖ Στεφάνῳ τουτωῖ καὶ πολλὰ παρανενόμηκεν εἰς τὴν πόλιν, ταῦτ' ἤδη δεῖ μαθεῖν ὑμᾶς. δέομαι οὖν ὑμῶν, ὧ ἄνδρες δικασταί, ἅπερ ἠγοῦμαι προσήκειν δεηθῆναι νέον τε ὄντα καὶ ἀπείρως ἔχοντα τοῦ λέγειν, συνήγορόν με κελεύσαι καλέσαι τῷ ἀγῶνι
- 15 [1350] τούτῳ Ἀπολλόδωρον. καὶ γὰρ πρεσβύτερός ἐστιν ἢ ἐγώ, καὶ ἐμπειροτέρως ἔχει τῶν νόμων, καὶ μεμέληκεν αὐτῷ περὶ τούτων ἀπάντων ἀκριβῶς,<sup>1</sup> καὶ ἠδίκηται ὑπὸ Στεφάνου τουτουί, ὥστε καὶ ἀνεπίφθονον αὐτῷ τιμωρεῖσθαι τὸν ὑπάρξαντα. δεῖ δ' ὑμᾶς ἐξ αὐτῆς τῆς ἀληθείας τὴν ἀκρίβειαν

<sup>1</sup> The clause καὶ μεμέληκεν . . . ἀκριβῶς, wrongly placed after Στεφάνου τουτουί in the mss., was transferred to this place by Sauppe.

Stephanus here sought to deprive me of my relatives contrary to your laws and your decrees, so I too have come before you to prove that Stephanus is living with an alien woman contrary to the law; that he has introduced children not his own to his fellow-clansmen and demesmen; that he has given in marriage the daughters of courtesans as ~~though they were his own~~; that he is guilty of impiety toward the gods; and that he nullifies the right of your people to bestow its own favours, if it chooses to admit anyone to citizenship; for who will any longer seek to win this reward from you and to undergo heavy expense and much trouble in order to become a citizen, when he can get what he wants from Stephanus at less expense, assuming that the result for him is to be the same?

The injuries, then, which I have suffered at the hands of Stephanus, and which led me to prefer this indictment, I have told you. I must now prove to you that this woman Neaera is an alien, that she is living with this man Stephanus as his wife, and that she has violated the laws of the state in many ways. I make of you, therefore, men of the jury, a request which seems to me a proper one for a young man and one without experience in speaking—that you will permit me to call Apollodorus as advocate to assist me in this trial. For he is older than I and is better acquainted with the laws. He has studied all these matters with the greatest care, and he too has been wronged by this fellow Stephanus; so that no one can object to his seeking vengeance upon the one who injured him without provocation. It is your duty, in the light of truth itself, when you have heard

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ἀκούσαντας τῆς τε κατηγορίας καὶ τῆς ἀπολογίας, οὕτως ἤδη τὴν ψῆφον φέρειν ὑπὲρ τε τῶν θεῶν καὶ τῶν νόμων καὶ τοῦ δικαίου καὶ ὑμῶν αὐτῶν.

### ΣΥΝΗΓΟΡΙΑ

- 16 Ἄ μὲν ἠδίκημένος, ὦ ἄνδρες Ἀθηναῖοι, ὑπὸ Στεφάνου ἀναβέβηκα κατηγορήσων Νεαίρας ταυτησί, Θεόμνηστος εἶρηκε πρὸς ὑμᾶς· ὡς δ' ἐστὶ ξένη Νεαίρα καὶ παρὰ τοὺς νόμους συνοικεῖ Στεφάνω, τοῦτο ὑμῖν βούλομαι σαφῶς ἐπιδείξαι. πρῶτον μὲν οὖν τὸν νόμον ὑμῖν ἀναγνώσεται, καθ' ὃν τὴν τε γραφὴν ταυτηνὶ Θεόμνηστος ἐγράψατο καὶ ὁ ἀγὼν οὗτος εἰσέρχεται εἰς ὑμᾶς.

### ΝΟΜΟΣ

Ἐὰν δὲ ξένος ἀστῆ συνοικῆ τέχνη ἢ μηχανῆ ἤτινι οὖν, γραφέσθω πρὸς τοὺς θεσμοθέτας Ἀθηναίων ὁ βουλόμενος οἷς ἔξεστιν. ἔὰν δὲ ἀλῶ, πεπράσθω καὶ αὐτὸς καὶ ἡ οὐσία αὐτοῦ, καὶ τὸ τρίτον μέρος ἔστω τοῦ ἐλόντος. ἔστω δὲ καὶ ἔὰν ἡ ξένη τῷ ἀστῷ συνοικῆ κατὰ ταῦτά, καὶ ὁ συνοικῶν τῇ ξένῃ τῇ ἀλούσῃ ὀφειλέτω χιλίας δραχμάς.

- 17 Τοῦ μὲν νόμου τοίνυν ἀκηκόατε, ὦ ἄνδρες δικασταί, ὃς οὐκ ἔᾶ τὴν ξένην τῷ ἀστῷ συνοικεῖν οὐδὲ τὴν ἀστὴν τῷ ξένῳ, οὐδὲ παιδοποιεῖσθαι, τέχνη οὐδὲ μηχανῆ οὐδεμιᾶ· ἔὰν δέ τις παρὰ ταῦτα ποιῆ, γραφὴν πεποίηκε κατ' αὐτῶν εἶναι πρὸς τοὺς
- [1351] θεσμοθέτας, κατὰ τε τοῦ ξένου καὶ τῆς ξένης, κἂν

the exact nature both of the accusation and the defence, then and not till then to reach a verdict which will be in the interest of the gods of the laws, of justice, and of your own selves.

*(Apollodorus, as co-pleader, speaks.)*

The wrongs done me by Stephanus, men of 16 Athens, which have led me to come forward to accuse this woman Neaera, have been told you by Theomnestus. And that Neaera is an alien woman and is living as his wife with Stephanus contrary to the laws, I wish to make clear to you. First, the clerk shall read you the law under which Theomnestus preferred this indictment and this case comes before you.

THE LAW

If an alien shall live as husband with an Athenian woman in any way or manner whatsoever, he may be indicted before the Thesmothetae by anyone who chooses to do so from among the Athenians having the right to bring charges. And if he be convicted, he shall be sold, himself and his property, and the third part shall belong to the one securing his conviction. The same principle shall hold also if an alien woman shall live as wife with an Athenian, and the Athenian who lives as husband with the alien woman so convicted shall be fined one thousand drachmae.

You have heard the law, men of the jury, which 17 forbids the union of an alien woman with an Athenian, or of an Athenian woman with an alien in any way or manner whatsoever, or the procreation of children. And if any persons shall transgress this law, it has provided that there shall be an indictment against them before the Thesmothetae, against both the alien man and the alien woman,

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άλῶ, πεπραῶσθαι κελεύει. ὡς οὖν ἐστὶ ξένη Νέαιρα αὐτῆί, τοῦθ' ὑμῖν βούλομαι ἐξ ἀρχῆς ἀκριβῶς ἐπιδείξαι.

- 18 Ἐπτά γὰρ ταύτας παιδίσκας ἐκ μικρῶν παιδίων ἐκτήσατο Νικαρέτη, Χαρισίου μὲν οὔσα τοῦ Ἡλείου ἀπελευθέρα, Ἰππίου δὲ τοῦ μαγείρου τοῦ ἐκείνου γυνή, δεινὴ δὲ φύσιν μικρῶν παιδίων συνιδεῖν εὐπρεπῆ, καὶ ταῦτα ἐπισταμένη θρέψαι καὶ παιδεῦσαι ἐμπείρως, τέχνην ταύτην κατεσκευασμένη καὶ ἀπὸ τούτων τὸν βίον συνειλεγμένη.
- 19 προσειπούσα δ' αὐτὰς ὀνόματι θυγατέρας, ἴν' ὡς μεγίστους μισθοὺς πράττειτο τοὺς βουλομένους πλησιάζειν αὐταῖς ὡς ἐλευθέραις οὔσαις, ἐπειδὴ τὴν ἡλικίαν ἐκαρπώσατο αὐτῶν ἐκάστης, συλλήβδην καὶ τὰ σώματα ἀπέδοτο ἀπασῶν ἑπτὰ οὔσων, Ἄντειαν καὶ Στρατόλαν καὶ Ἀριστόκλειαν καὶ Μετάνειραν καὶ Φίλαν καὶ Ἰσθμιάδα καὶ
- 20 Νέαιραν ταυτηνί. ἦν μὲν οὖν ἕκαστος αὐτῶν ἐκτήσατο καὶ ὡς ἡλευθερώθησαν ἀπὸ τῶν πριαμένων αὐτὰς παρὰ τῆς Νικαρέτης, προϊόντος τοῦ λόγου, ἂν βούλησθε ἀκούειν καὶ μοι περιουσία ἢ τοῦ ὕδατος, δηλώσω ὑμῖν· ὡς δὲ Νέαιρα αὐτῆί Νικαρέτης ἦν καὶ ἠργάζετο τῷ σώματι μισθαρνοῦσα τοῖς βουλομένοις αὐτῇ πλησιάζειν, τοῦθ' ὑμῖν βούλομαι πάλιν ἐπανελθεῖν.
- 21 Λυσίας γὰρ ὁ σοφιστῆς Μετανείρας ὢν ἐραστής, ἠβουλήθη πρὸς τοῖς ἄλλοις ἀναλώμασιν οἷς ἀνήλισκεν εἰς αὐτὴν καὶ μυῆσαι, ἠγούμενος τὰ μὲν ἄλλα ἀναλώματα τὴν κεκτημένην αὐτὴν λαμβάνειν, ἃ δ' ἂν εἰς τὴν ἑορτὴν καὶ τὰ μυστήρια ὑπὲρ αὐτῆς

<sup>a</sup> Elis, a state in north-western Peloponnesus.

<sup>b</sup> This was the well-known orator.

and that, if convicted, any such person shall be sold. I wish, therefore, to prove to you convincingly from the very beginning that this woman Neaera is an alien.

There were these seven girls who were purchased while they were small children by Nicaretê, who was the freedwoman of Charisius the Elean<sup>a</sup> and the wife of his cook Hippias. She was skilled in recognizing the budding beauty of young girls and knew well how to bring them up and train them artfully; for she made this her profession, and she got her livelihood from the girls. She called them by the name of daughters in order that, by giving out that they were free women, she might exact the largest fees from those who wished to enjoy them. When she had reaped the profit of the youthful prime of each, she sold them, all seven, without omitting one—Anteia and Stratola and Aristocleia and Metaneira and Phila and Isthmias and this Neaera. Who it was who purchased them severally, and how they were set free by those who bought them from Nicaretê, I will tell you in the course of my speech, if you care to hear and if the water in the water-clock holds out. I wish for the moment to return to the defendant Neaera, and prove to you that she belonged to Nicaretê, and that she lived as a prostitute letting out her person for hire to those who wished to enjoy her.

Lysias, the sophist,<sup>b</sup> being the lover of Metancira, wished, in addition to the other expenditures which he lavished upon her, also to initiate her; for he considered that everything else which he expended upon her was being taken by the woman who owned her, but that from whatever he might spend on her

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- ἀναλώση, πρὸς αὐτὴν τὴν ἄνθρωπον χάριν καταθήσεσθαι. ἐδεήθη οὖν τῆς Νικαρέτης ἔλθειν εἰς τὰ
- [1352] μυστήρια ἄγουσαν τὴν Μετάνειραν, ἵνα μνηθῆ,  
 22 καὶ αὐτὸς ὑπέσχετο μῆσειν. ἀφικομένας δ' αὐτάς ὁ Λυσίας εἰς μὲν τὴν αὐτοῦ οἰκίαν οὐκ εἰσάγει, αἰσχυρόμενος τὴν τε γυναῖκα ἣν εἶχε, Βραχύλλου μὲν θυγατέρα, ἀδελφιδῆν δὲ αὐτοῦ, καὶ τὴν μητέρα τὴν αὐτοῦ πρεσβυτέραν τε οὔσαν καὶ ἐν τῷ αὐτῷ διαιτωμένην· ὡς Φιλόστρατον δὲ τὸν Κολωνῆθεν, ἧθειον ἔτι ὄντα καὶ φίλον αὐτῷ, καθίστησιν ὁ Λυσίας αὐτάς, τὴν τε Μετάνειραν καὶ τὴν Νικαρέτην. συνηκολούθει δὲ καὶ Νέαιρα αὐτῆί, ἐργαζομένη μὲν ἤδη τῷ σώματι, νεωτέρα δὲ οὔσα διὰ τὸ μήπω τὴν ἡλικίαν αὐτῆ παραίνοι.
- 23 Ὡς οὖν ἀληθῆ λέγω, ὅτι Νικαρέτης ἦν καὶ ἠκολούθει ἐκείνη καὶ ἐμισθάρνει τῷ βουλομένῳ ἀναλίσκειν, τούτων ὑμῖν αὐτὸν τὸν Φιλόστρατον μάρτυρα καλῶ.

### ΜΑΡΤΥΡΙΑ

Φιλόστρατος Διονυσίου Κολωνῆθεν μαρτυρεῖ εἰδέναι Νέαιραν Νικαρέτης οὔσαν, ἥσπερ καὶ Μετάνειρα ἐγένετο, καὶ κατάγεσθαι παρ' αὐτῷ, ὅτε εἰς τὰ μυστήρια ἐπεδήμησαν, ἐν Κορίνθῳ οἰκοῦσαι· καταστήσασθαι δὲ αὐτάς ὡς αὐτὸν Λυσίαν τὸν Κεφάλου, φίλον ὄντα ἑαυτῷ καὶ ἐπιτήδειον.

- 24 Πάλιν τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, μετὰ ταῦτα Σίμος ὁ Θετταλὸς ἔχων Νέαιραν ταυτηνὶ ἀφικνεῖται δεῦρο εἰς τὰ Παναθήναια τὰ μεγάλα. συνηκολούθει δὲ καὶ ἡ Νικαρέτη αὐτῆ, κατήγοντο δὲ παρὰ

<sup>a</sup> Colonus, a deme of the tribe Aegēis.



behalf for the festival and the initiation the girl herself would profit and be grateful to him. So he asked Nicaretê to come to the mysteries bringing with her Metaneira that she might be initiated, and he promised that he would himself initiate her. When they got here, Lysias did not bring them <sup>22</sup> to his own house, out of regard for his wife, the daughter of Brachyllus and his own niece, and for his own mother, who was elderly and who lived in the same house ; but he lodged the two, Metaneira and Nicaretê, with Philostratus of Colonus,<sup>a</sup> who was a friend of his and was as yet unmarried. They were accompanied by this woman Neaera, who had already taken up the trade of a prostitute, young as she was ; for she was not yet old enough.

To prove the truth of my statements—that the <sup>23</sup> defendant belonged to Nicaretê and followed in her train, and that she prostituted her person to anyone who wished to pay for it—I will call Philostratus as witness to these facts.

THE DEPOSITION

Philostratus, son of Dionysius, of Colonus, deposes that he knows that Neaera was a slave of Nicaretê, to whom Metaneira also belonged, that they were residents of Corinth, and that they stayed at his house when they came to Athens for the mysteries, and that Lysias the son of Cephalus, who was an intimate friend of his, established them in his house.

Again after this, men of Athens, Simus the <sup>24</sup> Thessalian came here with the defendant Neaera for the great Panathenaea.<sup>b</sup> Nicaretê came with her, and they lodged with Ctesippus son of Glauconides,

<sup>b</sup> The Great Panathenaea was celebrated in Athens every fifth year in the month Hecatombaeon (July).

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Κτησίππῳ τῷ Γλαυκωνίδου τῷ Κυδαντίδῃ, καὶ συνέπινε καὶ συνεδεῖπνει ἐναντίον πολλῶν Νέαира αὐτῇ ὡς ἂν ἑταίρα οὔσα.

Καὶ ὅτι ἀληθῆ λέγω, τούτων ὑμῖν τοὺς μάρτυρας καλῶ.

[1353] Καί μοι κάλει Εὐφίλητον Σίμωνος Αἰξωνέα καὶ  
25 Ἀριστόμαχον Κριτοδήμου Ἀλωπεκῆθεν.

### ΜΑΡΤΥΡΕΣ

Εὐφίλητος Σίμωνος Αἰξωνεύς, Ἀριστόμαχος Κριτοδήμου Ἀλωπεκῆθεν, μαρτυροῦσιν εἰδέναί Σίμον τὸν Θεοταλὸν ἀφικόμενον Ἀθήναζε εἰς τὰ Παναθήναια τὰ μεγάλα, καὶ μετ' αὐτοῦ Νικαρέτην καὶ Νέαيران τὴν νυνὶ ἀγωνιζομένην· καὶ κατάγεσθαι αὐτοὺς παρὰ Κτησίππῳ τῷ Γλαυκωνίδου, καὶ συμπίνειν μετ' αὐτῶν Νέαيران ὡς ἑταίραν οὔσαν, καὶ ἄλλων πολλῶν παρόντων καὶ συμπινόντων παρὰ Κτησίππῳ.

26 Μετὰ ταῦτα τοίνυν ἐν τῇ Κορίνθῳ αὐτῆς ἐπιφανῶς ἐργαζομένης καὶ οὔσης λαμπρᾶς, ἄλλοι τε ἔρασταὶ γίνονται καὶ Ξενοκλείδης ὁ ποιητῆς καὶ Ἴππαρχος ὁ ὑποκριτῆς, καὶ εἶχον αὐτὴν μεμισθωμένοι. καὶ ὅτι ἀληθῆ λέγω, τοῦ μὲν Ξενοκλείδου οὐκ ἂν δυναίμην ὑμῖν μαρτυρίαν παρασχέσθαι· οὐ  
27 γὰρ ἔωσιν αὐτὸν δι' νόμοι μαρτυρεῖν· ὅτε γὰρ Λακεδαιμονίους ὑμεῖς ἐσώζετε πεισθέντες ὑπὸ Καλλιστράτου, τότε ἀντειπὼν ἐν τῷ δήμῳ τῇ βοηθείᾳ, ἐωνημένος τὴν πεντηκοστὴν τοῦ σίτου ἐν εἰρήνῃ, καὶ δέον αὐτὸν καταβάλλειν τὰς καταβολὰς εἰς τὸ βουλευτήριον κατὰ πρυτανείαν, καὶ

<sup>a</sup> Cydantidae, a deme of the tribe Aegæis.

<sup>b</sup> Aloxonê, a deme of the tribe Cecropis.

of Cydantidae <sup>a</sup>; and the defendant Neaera drank and dined with them in the presence of many men, as any courtesan would do.

To prove the truth of my statements, I will call witnesses to these facts.

(*To the clerk.*) Please call Euphiletus, son of Simon, <sup>25</sup> of Aexonê,<sup>b</sup> and Aristomachus, son of Critodemus, of Alopecê.<sup>c</sup>

THE WITNESSES

Euphiletus son of Simon, of Aexonê, and Aristomachus son of Critodemus, of Alopecê, depose that they know that Simus the Thessalian came to Athens for the great Panathenaea, and that Nicaretê came with him, and Neaera, the present defendant; and that they lodged with Ctesippus son of Glauconides, and that Neaera drank with them as being a courtesan, while many others were present and joined in the drinking in the house of Ctesippus.

After this, you must know, she plied her trade <sup>26</sup> openly in Corinth and was quite a celebrity, having among other lovers Xenocleides the poet, and Hipparchus the actor, who kept her on hire. To prove the truth of my statement I cannot bring before you the testimony of Xenocleides, since the laws do not permit him to testify. For when on <sup>27</sup> the advice of Callistratus you undertook to aid the Lacedaemonians,<sup>d</sup> he at that time opposed in the assembly the vote to do so, because he had purchased the right to collect the two per cent tax on grain during the peace, and was obliged to deposit his collections in the senate-chamber during each prytany. For this he was entitled to exemption

<sup>c</sup> Alopecê, a deme of the tribe Antiochis.

<sup>d</sup> This was in 369, when Epameinondas and the Thebans invaded Laconia.

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οὔσης αὐτῷ ἀτελείας ἐκ τῶν νόμων, οὐκ ἐξελθὼν ἐκείνην τὴν στρατείαν, γραφεὶς ὑπὸ Στεφάνου τοῦτου ἀστρατείας καὶ διαβληθεὶς τῷ λόγῳ ἐν τῷ  
 28 δικαστηρίῳ ἤλω καὶ ἠτιμώθη. καίτοι πῶς οὐκ οἶεσθε δεινὸν εἶναι, εἰ τοὺς μὲν φύσει πολίτας καὶ γνησίως μετέχοντας τῆς πόλεως ἀπεστέρηκε τῆς  
 [1354] παρρησίας Στέφανος οὕτως, τοὺς δὲ μηδὲν προσήκοντας βιάζεται Ἀθηναίους εἶναι παρὰ πάντας τοὺς νόμους; τὸν δ' Ἰππαρχον αὐτὸν ὑμῖν καλῶ, καὶ ἀναγκάσω μαρτυρεῖν ἢ ἐξόμνησθαι κατὰ τὸν νόμον, ἢ κλητεύσω αὐτόν.

Καί μοι κάλει Ἰππαρχον.

### ΜΑΡΤΥΡΙΑ

Ἰππαρχος Ἀθμονεὺς μαρτυρεῖ Ξενοκλείδην καὶ αὐτὸν μισθώσασθαι Νέαιραν ἐν Κορίνθῳ τὴν νυνὶ ἀγωνιζομένην, ὡς ἐταίραν οὔσαν τῶν μισθαρνοουσῶν, καὶ συμπίνειν ἐν Κορίνθῳ Νέαιραν μεθ' αὐτοῦ καὶ Ξενοκλείδου τοῦ ποιητοῦ.

29 Μετὰ ταῦτα τοίνυν αὐτῆς γίνονται ἐρασταὶ δύο, Τιμανορίδας τε ὁ Κορίνθιος καὶ Εὐκράτης ὁ Λευκάδιος, οἱ ἐπειδήπερ πολυτελὴς ἦν ἡ Νικαρέτη τοῖς ἐπιτάγμασιν, ἀξιοῦσα τὰ καθ' ἡμέραν ἀνάλωματα ἅπαντα τῇ οἰκίᾳ παρ' αὐτῶν λαμβάνειν, κατατιθέασιν αὐτῆς τιμὴν τριάκοντα μνᾶς τοῦ σώματος τῇ Νικαρέτῃ, καὶ ὠνοῦνται αὐτὴν παρ' αὐτῆς νόμῳ πόλεως καθάπαξ αὐτῶν δούλην εἶναι.  
 30 καὶ εἶχον καὶ ἐχρῶντο ὅσον ἠβούλοντο αὐτῇ χρόνον.

<sup>a</sup> See above p. 295 and vol. i. p. 97.

<sup>b</sup> Athmonon, a deme of the tribe Cecropis.

<sup>c</sup> Leucas or Santa Maura, off the west coast of Acarnania.

under the laws and did not go out on that expedition; but he was indicted by this man Stephanus for avoidance of military duty, and being slanderously maligned in the latter's speech before the court, was convicted and deprived of his civic rights. And yet do you not count it a monstrous thing that <sup>28</sup> this Stephanus has taken the right of free speech from those who are native-born citizens and are lawful members of our commonwealth, and in defiance of all the laws forces upon you as Athenians those who have no such right? I will, however, call Hipparchus himself and force him either to give testimony or take the oath of disclaimer, or I will subpoena him.<sup>a</sup>

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

THE DEPOSITION

Hipparchus of Athmonon <sup>b</sup> deposes that Xenocleides and he hired in Corinth Neaera, the present defendant, as a courtesan who prostituted herself for money, and that Neaera used to drink at Corinth in the company of himself and Xenocleides the poet.

After this, then, she had two lovers, Timanoridas <sup>29</sup> the Corinthian and Eucrates the Leucadian.<sup>c</sup> These men seeing that Nicaretê was extravagant in the sums she exacted from them, for she demanded that they should supply the entire daily expenses of the household, paid down to Nicaretê thirty minae as the price of Neaera's person, and purchased the girl outright from her in accordance with the law of the city, to be their slave. And <sup>30</sup> they kept her and made use of her as long a time as they pleased. When, however, they were about

## DEMOSTHENES

μέλλοντες δὲ γαμῆν, προαγορεύουσιν αὐτῇ, ὅτι οὐ  
 βούλονται αὐτὴν σφῶν αὐτῶν ἑταίραν γεγενημένην  
 ὄρᾶν ἐν Κορίνθῳ ἐργαζομένην οὐδ' ὑπὸ πορνοβοσκῶ  
 οὔσαν, ἀλλ' ἠδέως ἂν αὐτοῖς εἶη ἔλαττόν τε τὰργύ-  
 ριον κομίσασθαι παρ' αὐτῆς ἢ κατέθεσαν, καὶ  
 αὐτὴν ταύτην ὄρᾶν τι ἀγαθὸν ἔχουσαν. ἀφιέναι  
 οὖν αὐτῇ ἔφασαν εἰς ἐλευθερίαν χιλίας δραχμάς,  
 πεντακοσίας ἑκάτερος· τὰς δ' εἴκοσι μνᾶς ἐκέλευον  
 αὐτὴν ἐξευροῦσαν αὐτοῖς ἀποδοῦναι. ἀκούσασα  
 δ' αὕτη τοὺς λόγους τούτους τοῦ τε Εὐκράτους  
 [1355] καὶ Τιμανορίδου, μεταπέμπεται εἰς τὴν Κόρινθον  
 ἄλλους τε τῶν ἐραστῶν τῶν γεγενημένων αὐτῇ καὶ  
 Φρυνίωνα τὸν Παιανιέα, Δήμωνος μὲν ὄντα υἱόν,  
 Δημοχάρους δὲ ἀδελφόν, ἀσελγῶς δὲ καὶ πολυ-  
 τελῶς διάγοντα τὸν βίον, ὡς ὑμῶν οἱ πρεσβύτεροι  
 31 μνημονεύουσιν. ἀφικομένου δ' ὡς αὐτὴν τοῦ  
 Φρυνίωνος, λέγει πρὸς αὐτὸν τοὺς λόγους οὓς εἶπον  
 πρὸς αὐτὴν ὁ τε Εὐκράτης καὶ Τιμανορίδας, καὶ  
 δίδωσιν αὐτῷ τὰργύριον ὃ παρὰ τῶν ἄλλων ἐραστῶν  
 ἔδασμολόγησεν ἔρανον εἰς τὴν ἐλευθερίαν συλ-  
 λέγουσα, καὶ εἴ τι ἄρα αὐτὴ περιεποιήσατο, καὶ  
 δέεται αὐτοῦ προσθέντα τὸ ἐπίλοιπον, οὗ προσέδει  
 εἰς τὰς εἴκοσι μνᾶς, καταθεῖναι αὐτῆς τῷ τε  
 Εὐκράτει καὶ τῷ Τιμανορίδᾳ ὥστε ἐλευθέραν εἶναι.  
 32 ἄσμενος δ' ἀκούσας ἐκείνος τοὺς λόγους τούτους  
 αὐτῆς, καὶ λαβὼν τὰργύριον ὃ παρὰ τῶν ἐραστῶν  
 τῶν ἄλλων εἰσηνέχθη αὐτῇ, καὶ προσθεῖς τὸ  
 ἐπίλοιπον αὐτός, κατατίθησιν αὐτῆς τὰς εἴκοσι  
 μνᾶς τῷ Εὐκράτει καὶ τῷ Τιμανορίδᾳ ἐπ' ἐλευθερίᾳ  
 καὶ ἐφ' ᾧ ἐν Κορίνθῳ μὴ ἐργάζεσθαι.

<sup>a</sup> Paeania, a deme of the tribe Pandionis. Demochares  
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to marry, they gave her notice that they did not want to see her, who had been their own mistress, plying her trade in Corinth or living under the control of a brothel-keeper; but that they would be glad to recover from her less than they had paid down, and to see her reaping some advantage for herself. They offered, therefore, to remit one thousand drachmae toward the price of her freedom, five hundred drachmae apiece; and they bade her, when she found the means, to pay them the twenty minae. When she heard this proposal from Eucrates and Timanoridas, she summoned to Corinth among others who had been her lovers Phrynion of Paeania,<sup>a</sup> the son of Demon and the brother of Demochares, a man who was living a licentious and extravagant life, as the older ones among you remember. When Phrynion came to 31 her, she told him the proposal which Eucrates and Timanoridas had made to her, and gave him the money which she had collected from her other lovers as a contribution toward the price of her freedom, and added whatever she had gained for herself, and she begged him to advance the balance needed to make up the twenty minae, and to pay it to Eucrates and Timanoridas to secure her freedom. He listened gladly to these words of hers, 32 and taking the money which had been paid in to her by her other lovers added the balance himself and paid the twenty minae as the price of her freedom to Eucrates and Timanoridas on the condition that she should not ply her trade in Corinth.

is mentioned several times in Oration XLVII (§§ 22, 28, 32). The Demon here mentioned was possibly the uncle of Demosthenes.

## DEMOSTHENES

Καὶ ὅτι ταῦτ' ἀληθῆ λέγω, τούτων ὑμῖν τὸν παραγενόμενον μάρτυρα καλῶ.

Καί μοι κάλει Φίλαγρον Μελιτέα.

### ΜΑΡΤΥΡΙΑ

Φίλαγρος Μελιτεὺς μαρτυρεῖ παρεῖναι ἐν Κορίνθῳ, ὅτε Φρυνίων ὁ Δημοχάρους ἀδελφὸς κατετίθει εἴκοσι μνᾶς Νεαίρας τῆς νυνὶ ἀγωνιζομένης Τιμανορίδα τῷ Κορινθίῳ καὶ Εὐκράτει τῷ Λευκαδίῳ· καὶ καταθεὶς τὸ ἀργύριον ὄχετο ἀπάγων Ἀθήναζε Νεαίραν.

33 Ἀφικόμενος τοίνυν δεῦρο ἔχων αὐτὴν ἀσελγῶς καὶ προπετῶς ἐχρήτο αὐτῇ, καπὶ τὰ δεῖπνα ἔχων [1356] αὐτὴν πανταχοῖ ἐπορεύετο, ὅπου πίνοι, ἐκώμαζε τ' αἰεὶ μετ' αὐτῆς, συνῆν τ' ἐμφανῶς ὁπότε βουληθείη πανταχοῦ, φιλοτιμίαν τὴν ἐξουσίαν πρὸς τοὺς ὀρώντας ποιούμενος. καὶ ὡς ἄλλους τε πολλοὺς ἐπὶ κῶμον ἔχων ἦλθεν αὐτὴν, καὶ ὡς Χαβρίαν τὸν Αἰξωνέα, ὅτε ἐνίκα ἐπὶ Σωκρατίδου ἄρχοντος τὰ Πύθια τῷ τεθρίππῳ, ὃ ἐπρίατο παρὰ τῶν παίδων τῶν Μίτυος τοῦ Ἀργείου, καὶ ἦκων ἐκ Δελφῶν εἰστία τὰ ἐπινίκια ἐπὶ Κωλιάδι. καὶ ἐκεῖ ἄλλοι τε πολλοὶ συνεγίνοντο αὐτῇ μεθουούσῃ καθεύδοντας τοῦ Φρυνίωνος, καὶ οἱ διάκονοι οἱ Χαβρίου.<sup>1</sup>

34 Καὶ ὅτι ταῦτ' ἀληθῆ λέγω, τοὺς ὀρώντας ὑμῖν καὶ παρόντας μάρτυρας παρέξομαι.

<sup>1</sup> After Χαβρίου the mss. add the words *τράπεζαν παραθέμενοι*. Blass rejects them.

<sup>a</sup> Melitê, a deme of the tribe Cecropis.

<sup>b</sup> That is, in 373 B.C.

<sup>c</sup> The Pythian games were celebrated at Delphi (Pytho) every four years.



To prove that these statements of mine are true, I will call as witness to them the man who was present.

(*To the clerk.*) Please call Philagrus of Melitê.<sup>a</sup>

THE DEPOSITION

Philagrus of Melitê deposes that he was present in Corinth when Phrynion, the brother of Demochares, paid down twenty minae as the price of Neaera, the present defendant, to Timanoridas, the Corinthian, and Eucrates, the Leucadian; and that after paying down the money Phrynion went off to Athens, taking Neaera with him.

When he came back here, bringing her with him, 33 he treated her without decency or restraint, taking her everywhere with him to dinners where there was drinking and making her a partner in his revels; and he had intercourse with her openly whenever and wherever he wished, making his privilege a display to the onlookers. He took her to many houses to gay parties and among them to that of Chabrias of Aexonê, when, in the archonship of Socratidas,<sup>b</sup> he was victor at the Pythian games<sup>c</sup> with the four-horse chariot which he had bought from the sons of Mitys, the Argive, and returning from Delphi he gave a feast at Colias,<sup>d</sup> to celebrate his victory, and in that place many had intercourse with her when she was drunk, while Phrynion was asleep, among them even the serving-men of Chabrias.

To prove that these statements of mine are true, 34 I will bring before you as witnesses those who were present and saw for themselves.

<sup>a</sup> The temple of Athena Colias was situated on a point on the Bay of Phalerum.

## DEMOSTHENES

Καί μοι κάλει Χιωνίδην Ξυπεταιόνα καὶ Εὐθετίωνα Κυδαθηναϊά.

### ΜΑΡΤΥΡΙΑ

Χιωνίδης Ξυπεταίων, Εὐθετίων Κυδαθηναίους μαρτυροῦσι κληθῆναι ὑπὸ Χαβρίου ἐπὶ δεῖπνον, ὅτε τὰ ἐπινίκια εἰστία Χαβρίας τῆς νίκης τοῦ ἄρματος, καὶ ἐστιᾶσθαι ἐπὶ Κωλιάδι, καὶ εἰδέναι Φρυνίωνα παρόντα ἐν τῷ δεῖπνῳ τούτῳ ἔχοντα Νέαιραν τὴν νυνὶ ἀγωνιζομένην, καὶ καθεῦδειν σφᾶς αὐτοὺς καὶ Φρυνίωνα καὶ Νέαιραν, καὶ αἰσθάνεσθαι αὐτοὶ ἀνισταμένους τῆς νυκτὸς πρὸς Νέαιραν ἄλλους τε καὶ τῶν διακόνων τινάς, οἳ ἦσαν Χαβρίου οἰκέται.

- 35 Ἐπειδὴ τοίνυν ἀσελγῶς προὔπηλακίζετο ὑπὸ τοῦ Φρυνίωνος καὶ οὐχ ὡς ᾤετο ἠγαπάτο, οὐδ' ὑπηρέτει αὐτῇ ἂ ἐβούλετο, συσκευασαμένη αὐτοῦ τὰ ἐκ τῆς οἰκίας καὶ ὅσα ἦν αὐτῇ ὑπ' ἐκείνου περὶ τὸ σῶμα κατεσκευασμένα ἱμάτια καὶ χρυσία, καὶ θεραπαίνας δύο, Θραῦτταν καὶ Κοκκαλίην, ἀποδιδράσκει εἰς [1357] Μέγαρα. ἦν δὲ ὁ χρόνος οὗτος, ᾧ Ἀστεῖος μὲν ἦν ἄρχων Ἀθήνησιν, ὁ καιρὸς δ' ἐν ᾧ ἐπολεμείθ' ὑμεῖς πρὸς Λακεδαιμονίους τὸν ὕστερον πόλεμον.
- 36 διατρίψασα δ' ἐν τοῖς Μεγάροις δὴ ἔτη, τὸν τ' ἐπ' Ἀστείου ἄρχοντος καὶ Ἀλκισθένους ἐνιαυτόν, ὡς αὐτῇ ἢ ἀπὸ τοῦ σώματος ἐργασία οὐχ ἰκανὴν εὐπορίαν παρέιχεν ὥστε διοικεῖν τὴν οἰκίαν,—πολυτελής δ' ἦν, οἳ Μεγαρεῖς δ' ἀνελεύθεροι καὶ μικρολόγοι, ξένων δὲ οὐ πάνυ ἐπιδημία ἦν αὐτόθι διὰ τὸν πόλεμον εἶναι καὶ τοὺς μὲν Μεγαρέας λακωνίζειν, τῆς δὲ θαλάττης ὑμᾶς ἄρχειν· εἰς δὲ τὴν Κόρινθον

<sup>a</sup> Xypetê, a deme of the tribe Cecropis.

<sup>b</sup> Cydathenaeum, a deme of the tribe Pandionis.

(*To the clerk.*) Please call Chionides of Xypetê <sup>a</sup> and Euthetion of Cydathenaeum. <sup>b</sup>

THE DEPOSITION

Chionides of Xypetê and Euthetion of Cydathenaeum depose that they were invited to dinner by Chabrias, when he celebrated with a banquet his victory in the chariot-race, and that the banquet was held at Colias; and that they know that Phrynion was present at the banquet, having with him Neaera, the present defendant; that they themselves lay down to sleep, as did Phrynion and Neaera, and that they observed that men got up in the night to go in to Neaera, among them some of the serving-men who were household slaves of Chabrias.

Since, then, she was treated with wanton outrage <sup>35</sup> by Phrynion, and was not loved as she expected to be, and since her wishes were not granted by him, she packed up his household goods and all the clothing and jewelry with which he had adorned her person, and, taking with her two maid-servants, Thratta and Coccalinê, ran off to Megara. This was the period when Asteius was archon at Athens, <sup>c</sup> at the time you were waging your second war against the Lacedaemonians. She remained at Megara two <sup>36</sup> years, that of the archonship of Asteius and that of Alcisthenes; but the trade of prostitution did not bring in enough money to maintain her establishment—she was lavish in her tastes, and the Megarians were niggardly and illiberal, and there were but few foreigners there on account of the war and because the Megarians favoured the Lacedaemonian side, while you were in control of the sea; it was, however, not open to her to return

<sup>c</sup> That is, in 372 B.C.; Alcisthenes was archon the year following.

## DEMOSTHENES

οὐκ ἔξῃν αὐτῇ ἐπανελθεῖν, διὰ τὸ ἐπὶ τούτῳ ἀπηλ-  
λάχθαι ἀπὸ τοῦ Εὐκράτους καὶ τοῦ Τιμανορίδου,  
37 ὥστ' ἐν Κορίνθῳ μὴ ἐργάζεσθαι—ὡς οὖν γίγνεται  
ἢ εἰρήνη ἢ ἐπὶ Φρασικλείδου ἄρχοντος καὶ ἢ μάχη  
ἢ ἐν Λεύκτροις Θηβαίων καὶ Λακεδαιμονίων, τότε  
ἐπιδημήσαντα Στέφανον τουτονὶ εἰς τὰ Μέγαρα  
καὶ καταγόμενον ὡς αὐτὴν ἑταίραν οὔσαν καὶ  
πλησιάσαντα αὐτῇ, διηγησαμένη πάντα τὰ πε-  
πραγμένα καὶ τὴν ὕβριν τοῦ Φρυνίωνος, καὶ ἐπι-  
δοῦσα ἃ ἐξῆλθεν ἔχουσα παρ' αὐτοῦ, ἐπιθυμοῦσα  
μὲν τῆς ἐνθάδε οἰκήσεως, φοβουμένη δὲ τὸν  
Φρυνίωνα διὰ τὸ ἡδικηκέναι μὲν αὐτῇ, ἐκείνον δὲ  
ὀργίλως ἔχειν αὐτῇ, σοβαρὸν δὲ καὶ ὀλίγων  
εἰδυῖα αὐτοῦ τὸν τρόπον ὄντα, προῖσταται Στέ-  
38 φανον τουτονὶ αὐτῆς. ἐπάρας δὲ αὐτὴν οὗτος ἐν  
τοῖς Μεγάροις τῷ λόγῳ καὶ φύσῃσας, ὡς κλαύσοιτο  
ὁ Φρυνίων εἰ ἄψοιτο αὐτῆς, αὐτὸς δὲ γυναῖκα  
αὐτὴν ἔξων, τοὺς τε παῖδας τοὺς ὄντας αὐτῇ τότε  
[1358] εἰσάξων εἰς τοὺς φράτερας ὡς αὐτοῦ ὄντας καὶ  
πολίτας ποιήσων, ἀδικήσοι δὲ οὐδεὶς ἀνθρώπων,  
ἀφικνεῖται αὐτὴν ἔχων δεῦρο ἐκ τῶν Μεγάρων,  
καὶ παῖδια μετ' αὐτῆς τρία, Πρόξενον καὶ Ἄρι-  
39 στωνα καὶ θυγατέρα, ἣν νυνὶ Φανὼ καλοῦσιν. καὶ  
εἰσάγει αὐτὴν καὶ τὰ παῖδια εἰς τὸ οἰκίδιον, ὃ ἦν  
αὐτῷ παρὰ τὸν ψιθυριστὴν Ἑρμῆν, μεταξὺ τῆς  
Δωροθέου τοῦ Ἐλευσινίου οἰκίας καὶ τῆς Κλεινο-

<sup>a</sup> That is, in 371 B.C.

<sup>b</sup> Leuctra was a town in Boeotia. In this battle the Thebans under Epameinondas broke the power of Sparta. The date was 371 B.C.

to Corinth, because she had got her freedom from Eucrates and Timanoridas on the condition that she would not ply her trade in Corinth;—so, when 37 peace was made in the archonship of Phrasicleides,<sup>a</sup> and the battle was fought at Leuctra<sup>b</sup> between the Thebans and the Lacedæmonians, this man Stephanus, having at the time come to Megara and having put up at Neaera's house, as at the house of a courtesan, and having had intercourse with her, she told him all that had taken place and her brutal treatment by Phrynion. She gave him besides all that she had brought away from Phrynion's house, and as she was eager to live at Athens, but was afraid of Phrynion because she had wronged him and he was bitter against her, and she knew he was a man of violent and reckless temper, she took Stephanus here for her patron.<sup>c</sup> He on his part encouraged her there in Megara 38 with confident words, boastfully asserting that if Phrynion should lay hands on her he would have cause to rue it, whereas he himself would keep her as his wife and would introduce the sons whom she then had to his clansmen as being his own, and would make them citizens; and he promised that no one in the world should harm her. So he brought her with him from Megara to Athens, and with her her three children, Proxenus and Ariston and a daughter whom they now call Phano. He estab- 39 lished her and her children in the cottage which he had near the Whispering Hermes<sup>d</sup> between the house of Dorotheus the Eleusinian and that of

<sup>c</sup> Every resident alien in Athens was required to have some citizen as his *προστάτης*, or patron.

<sup>d</sup> We do not know where this statue stood.

## DEMOSTHENES

μάχου, ἦν νυνὶ Σπίνθαρος παρ' αὐτοῦ ἐώνηται ἐπτά μνῶν. ὥστε ἡ μὲν ὑπάρχουσα Στεφάνῳ οὐσία αὕτη ἦν καὶ ἄλλο οὐδέν· δυοῖν δ' ἔνεκα ἦλθεν ἔχων αὐτήν, ὡς ἐξ ἀτελείας τε ἕξων καλὴν ἑταίραν, καὶ τὰ ἐπιτήδεια ταύτην ἐργασομένην καὶ θρέψουσαν τὴν οἰκίαν· οὐ γὰρ ἦν αὐτῷ ἄλλη πρόσσδος, 40 ὅτε μὴ συκοφαντήσας τι λάβοι. πυθόμενος δὲ ὁ Φρυνίων ἐπιδημοῦσαν αὐτήν καὶ οὔσαν παρὰ τούτῳ, παραλαβὼν νεανίσκους μεθ' ἑαυτοῦ καὶ ἐλθὼν ἐπὶ τὴν οἰκίαν τὴν τοῦ Στεφάνου ἤγεν αὐτήν. ἀφαιρουμένου δὲ τοῦ Στεφάνου κατὰ τὸν νόμον εἰς ἐλευθερίαν, κατηγγύησεν αὐτήν πρὸς τῷ πολεμάρχῳ.

Καὶ ὡς ἀληθῆ λέγω, τούτων αὐτὸν μάρτυρα ὑμῖν τὸν τότε πολέμαρχον παρέξομαι.

Καί μοι κάλει Αἰήτην Κειριάδην.

### ΜΑΡΤΥΡΙΑ

Αἰήτης Κειριάδης μαρτυρεῖ πολεμαρχοῦντος αὐτοῦ κατεγγυηθῆναι Νεαίραν τὴν νυνὶ ἀγωνιζομένην ὑπὸ Φρυνίωνος τοῦ Δημοχάρους ἀδελφοῦ, καὶ ἐγγυητὰς γενέσθαι Νεαίρας Στέφανον Ἐροιάδην, Γλαυκέτην Κηφισία, Ἀριστοκράτην Φαληρέα.

41 Διεγγυηθεῖσα δ' ὑπὸ Στεφάνου καὶ οὔσα παρὰ τούτῳ, τὴν μὲν αὐτήν ἐργασίαν οὐδέν ἤττον ἢ [1359] πρότερον ἠργάζετο, τοὺς δὲ μισθοὺς μείζους ἐπράττετο τοὺς βουλομένους αὐτῇ πλησιάζειν, ὡς ἐπὶ προσχήματος ἦδη τινὸς οὔσα καὶ ἀνδρὶ συν-

<sup>a</sup> That is, until her status, as free woman or slave, should be determined.

<sup>b</sup> Ceiriadae, a deme of the tribe Hippothontis.

<sup>c</sup> Eroeadae, a deme of the tribe Hippothontis.

<sup>d</sup> Cephisia, a deme of the tribe Erectheis.

Cleinomachus—the cottage which Spintharus has now bought from him for seven minae; so the property which Stephanus owned was just this and nothing besides. There were two reasons why he brought her here: first, because he would have a beautiful mistress without cost, and secondly, because her earnings would procure supplies and maintain the house; for he had no other income save what he might get by pettifoggery. Phrynion, 40 however, learned that the woman was in Athens, and was living with Stephanus, and taking some young men with him he came to the house of Stephanus and attempted to carry her off. When Stephanus took her away from him, as the law allowed, declaring her to be a free woman, Phrynion required her to post bonds with the polemarch.<sup>a</sup>

To prove that this statement is true, I will bring before you as a witness to these facts the man himself who was polemarch at the time.

(*To the clerk.*) Please call Aetes of Ceiriadae.<sup>b</sup>

THE DEPOSITION

Aetes of Ceiriadae deposes that while he was polemarch, Neaera, the present defendant, was required by Phrynion, the brother of Demochares, to post bonds, and that the sureties of Neaera were Stephanus of Eroeadae,<sup>c</sup> Glaucetes of Cephisia,<sup>d</sup> and Aristocrates of Phalerum.<sup>e</sup>

Now that Stephanus had become surety for her, 41 and seeing that she was living at his house, she continued to carry on the same trade no less than before, but she charged higher fees from those who sought her favours as being now a respectable woman living with her husband. Stephanus, on his

<sup>e</sup> Phalerum, a deme of the tribe Aeantis.

## DEMOSTHENES

οικοῦσα. συνεσυκοφάντει δὲ καὶ οὗτος, εἴ τινα  
 ξένον ἀγνώτα πλούσιον λάβοι ἐραστὴν αὐτῆς, ὡς  
 42 μοιχὸν ἐπ' αὐτῇ ἔνδον ἀποκλείων καὶ ἀργύριον  
 πραττόμενος πολὺ, εἰκότως· οὐσία μὲν γὰρ οὐχ  
 ὑπῆρχε Στεφάνῳ, οὐδὲ Νεαίρα, ὥστε τὰ καθ'  
 ἡμέραν ἀναλώματα δύνασθαι ὑποφέρειν, ἢ δὲ διοίκη-  
 σις συχνή, ὁπότε δέοι τοῦτόν τε καὶ αὐτὴν τρέφειν  
 καὶ παιδάρια τρία, ἃ ἦλθεν ἔχουσα ὡς αὐτόν, καὶ  
 θεραπαίνας δύο καὶ οἰκέτην διάκονον, ἄλλως τε  
 καὶ μεμαθηκυῖα μὴ κακῶς ἔχειν τὰ ἐπιτήδεια  
 43 ἐτέρων ἀναλισκόντων αὐτῇ τὸ πρότερον. οὔτε  
 γὰρ ἀπὸ τῆς πολιτείας προσῆει Στεφάνῳ τουτωῖ  
 ἄξιον λόγου· οὐ γάρ πω ἦν ῥήτωρ, ἀλλ' ἔτι συκο-  
 φάντης τῶν παραβοώντων παρὰ τὸ βῆμα, καὶ  
 γραφομένων μισθοῦ καὶ φαινόντων, καὶ ἐπιγραφο-  
 μένων ταῖς ἀλλοτρίαις γνώμαις, ἕως ὑπέπεσε  
 Καλλιστράτῳ τῷ Ἀφιδναίῳ· ἐξ ὅτου δὲ τρόπου  
 καὶ δι' ἣν αἰτίαν, ἐγὼ ὑμῖν καὶ περὶ τούτου διέξειμι,  
 ἐπειδὴν περὶ ταυτησὶ Νεαίρας ἐπιδείξω, ὡς ἔστι  
 44 ξένη καὶ ὡς μεγάλα ὑμᾶς ἠδίκηκε καὶ ὡς ἠσέβηκεν  
 εἰς τοὺς θεούς, ἵν' εἰδῆτε ὅτι καὶ αὐτὸς οὗτος ἄξιός  
 ἐστίν οὐκ ἐλάττω δοῦναι δίκην ἢ καὶ Νεαίρα αὐτῇ,  
 ἀλλὰ καὶ πολλῶ μείζω καὶ μᾶλλον, ὅσω Ἀθηναῖος  
 φάσκων εἶναι οὕτω πολὺ τῶν νόμων καταπεφρόνηκε  
 καὶ ὑμῶν καὶ τῶν θεῶν, ὥστ' οὐδ' ὑπὲρ τῶν  
 ἡμαρτημένων αὐτῷ αἰσχυνόμενος τολμᾷ ἠσυχίαν

<sup>a</sup> A prominent orator and politician, often mentioned by Demosthenes.



part, joined with her in extorting blackmail. If he found as a lover of Neaera any young alien rich and without experience, he would lock him up as caught in adultery with her, and would extort a large sum of money from him. And this course 42 was natural enough; for neither Stephanus nor Neaera had any property to supply funds for their daily expenditures, and the expenses of their establishment were large; for they had to support both him and her and three children whom she had brought with her, and two female servants and a male house-servant; and besides Neaera had become accustomed to live comfortably, since heretofore others had provided the cost of her maintenance. This fellow Stephanus was getting nothing worth 43 mentioning from public business, for he was not yet a public speaker, but thus far merely a pettifogger, one of those who stand beside the platform and shout, who prefer indictments and informations for hire, and who let their names be inscribed on motions made by others, up to the day when he became an underling of Callistratus of Aphidna.<sup>a</sup> How this came about and for what cause I will tell you in detail regarding this matter also, when I shall have proved regarding this woman Neaera that she is an alien and is guilty of grievous wrongs against you and of impiety towards the gods; for I would have you 44 know that Stephanus himself deserves to pay no less heavy a penalty than Neaera here, but even one far heavier, and that he is far more guilty, seeing that, while professing to be an Athenian, he treats you and your laws and the gods with such utter contempt that he cannot bring himself to keep quiet even for shame at the wrongs he

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ἄγειν, ἀλλὰ συκοφαντῶν ἄλλους τε καὶ ἐμέ, του-  
 τονὶ πεποιήκεν αὐτὸν καὶ ταύτην εἰς τηλικούτου  
 [1360] ἀγῶνα καταστῆσαι, ὥστε ἐξετασθῆναι μὲν ταύτην  
 ἣτις ἐστίν, ἐξελεγχθῆναι δὲ τὴν αὐτοῦ πονηρίαν.

- 45 Λαχόντος τοίνυν αὐτῷ τοῦ Φρυνίωνος δίκην, ὅτι  
 αὐτοῦ ἀφείλετο Νέαιραν ταυτηνὴ εἰς ἐλευθερίαν,  
 καὶ ὅτι, ἃ ἐξῆλθεν ἔχουσα παρ' αὐτοῦ αὕτη, ὑπ-  
 εδέξατο, συνῆγον αὐτοὺς οἱ ἐπιτήδευοι καὶ ἔπεισαν  
 δίαιταν ἐπιτρέψαι αὐτοῖς. καὶ ὑπὲρ μὲν τοῦ  
 Φρυνίωνος διαιτητῆς ἐκαθέζετο Σάτυρος Ἀλω-  
 πεκῆθεν ὁ Λακεδαιμονίου ἀδελφός, ὑπὲρ δὲ Στε-  
 φάνου τουτουὶ Σαυρίας Λαμπτρεύς· κοινὸν δὲ  
 46 αὐτοῖς προσαιροῦνται Διογείτονα Ἀχαρνέα. συν-  
 ελθόντες δ' οὗτοι ἐν τῷ ἱερῷ, ἀκούσαντες ἀμφο-  
 τέρων καὶ αὐτῆς τῆς ἀνθρώπου τὰ πεπραγμένα,  
 γνώμην ἀπεφῆναντο, καὶ οὗτοι ἐνέμειναν αὐτῇ, τὴν  
 μὲν ἀνθρωπον ἐλευθέραν εἶναι καὶ αὐτὴν αὐτῆς  
 κυρίαν, ἃ δ' ἐξῆλθεν ἔχουσα Νέαιρα παρὰ Φρυ-  
 νίωνος, χωρὶς ἱματίων καὶ χρυσίων καὶ θεραπαινῶν,  
 ἃ αὐτῇ τῇ ἀνθρώπῳ ἠγοράσθη, ἀποδοῦναι Φρυνίῳ  
 πάντα· συνεῖναι δ' ἑκατέρῳ ἡμέραν παρ' ἡμέραν·  
 εἴαν δὲ καὶ ἄλλως πως ἀλλήλους πείθωσι, ταῦτα  
 κύρια εἶναι· τὰ δ' ἐπιτήδεια τῇ ἀνθρώπῳ τὸν  
 ἔχοντα αἰεὶ παρέχειν, καὶ ἐκ τοῦ λοιποῦ χρόνου  
 47 φίλους εἶναι ἀλλήλοις καὶ μὴ μνησικακεῖν. ἢ μὲν  
 οὖν γνωσθεῖσα διαλλαγὴ ὑπὸ τῶν διαιτητῶν Φρυ-

<sup>a</sup> Lamprae, a deme of the tribe Erectheis.

<sup>b</sup> Acharnae, a deme of the tribe Oeneis.

has himself committed, but by bringing base-  
less charges against me and against others <sup>13.</sup>  
has caused my colleague to bring against him and  
against this woman a charge so grievous that it  
necessitates inquiry being made into her origin,  
and his own profligacy being brought to light.

So, then, Phrynion brought suit against Stephanus <sup>45</sup>  
for having taken this woman Neaera from him and  
asserted her freedom, and for having received the  
goods which Neaera had brought with her from  
Phrynion's house. Their friends, however, brought  
them together and induced them to submit their  
quarrel to arbitration. On behalf of Phrynion,  
Satyrus of Alopecê, the brother of Lacedaemonius,  
sat as arbitrator, and on behalf of Stephanus here,  
Saurias of Lamptrae <sup>a</sup>; and they added to their  
number by common consent Diogeiton of Acharnae. <sup>b</sup>  
These men came together in the temple, and after <sup>46</sup>  
hearing the facts from both parties and from the  
woman herself gave their decision, and these men  
acceded to it. The terms were: that the woman  
should be free and her own mistress, but that she  
should give back to Phrynion all that she had taken  
with her from his house except the clothing and the  
jewels and the maid-servants; for these had been  
bought for the use of the woman herself; and that  
she should live with each of the men on alternate  
days, and if they should mutually agree upon any  
other arrangement, that arrangement should be  
binding; that she should be maintained by the one  
who for the time had her in his keeping; and that  
for the future the men should be friends with one  
another and bear no malice. Such were the terms <sup>47</sup>  
of the reconciliation effected by the arbitrators

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ἀγίῳνι καὶ Στεφάνῳ περὶ Νεαίρας ταυτησὶ αὐτῇ  
 στίν.

Ὅτι δ' ἀληθῆ λέγω ταῦτα, τούτων ὑμῖν τῆν  
 μαρτυρίαν ἀναγνώσεται.

Κάλει μοι Σάτυρον Ἀλωπεκῆθεν, Σαυρίαν Λαμπ-  
 τρέα, Διογείτονα Ἀχαρνέα.

[1361]

### ΜΑΡΤΥΡΙΑ

Σάτυρος Ἀλωπεκῆθεν, Σαυρίας Λαμπτρέυς, Διογεί-  
 των Ἀχαρνέυς μαρτυροῦσι διαλλάξαι διαιτηταὶ γενόμενοι  
 περὶ Νεαίρας τῆς νυνὶ ἀγωνιζομένης Στέφανον καὶ Φρυ-  
 νίωνα· τὰς δὲ διαλλαγὰς εἶναι, καθ' ἃς διήλλαξαν, οἷας  
 παρέχεται Ἀπολλόδωρος.

### ΔΙΑΛΛΑΓΑΙ

Κατὰ τὰδε διήλλαξαν Φρυνίωνα καὶ Στέφανον· χρῆ-  
 σθαι ἐκάτερον Νεαίρα τὰς ἴσας ἡμέρας τοῦ μηνὸς παρ'  
 ἑαυτοῖς ἔχοντας, ἂν μὴ τι ἄλλο αὐτοὶ αὐτοῖς συγχωρή-  
 σωσιν.

- 48 Ὡς δ' ἀπηλλαγμένοι ἦσαν, οἱ παρόντες ἐκατέρῳ  
 ἐπὶ τῇ διαίτῃ καὶ τοῖς πράγμασιν, οἶον, οἶμαι, φιλεῖ  
 γίγνεσθαι ἐκάστοτε, ἄλλως τε καὶ περὶ ἑταίρας  
 οὔσης αὐτοῖς τῆς διαφορᾶς, ἐπὶ δεῖπνον ἦσαν ὡς  
 ἐκάτερον αὐτῶν, ὅποτε καὶ Νεαίραν ἔχοιεν, καὶ  
 αὐτῇ συνεδείπνει καὶ συνέπινεν ὡς ἑταίρα οὔσα.

Καὶ ὅτι ταῦτ' ἀληθῆ λέγω, κάλει μοι μάρτυρας  
 τοὺς συνόντας αὐτοῖς, Εὐβουλον Προβαλίσιον,  
 Διοπείθην Μελιτέα, Κτήσωνα ἐκ Κεραμέων.

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

<sup>b</sup> Cerameis, a deme of the tribe Acamantis.

## AGAINST NEAERA, 47-48

between Phrynion and Stephanus in regard to this woman Neaera.

To prove that these statements of mine are true, the clerk shall read you the deposition regarding these matters.

(*To the clerk.*) Please call Satyrus of Alopecê, Saurias of Lampræ, and Aristogeiton of Acharnæ.

### THE DEPOSITION

Satyrus of Alopecê, Saurias of Lampræ, and Diogeiton of Acharnæ depose that, having been appointed arbitrators in the matter of Neaera, the present defendant, they brought about a reconciliation between Stephanus and Phrynion, and that the terms on which the reconciliation was brought about were such as Apollodorus produces.

### THE TERMS OF RECONCILIATION

They have reconciled Phrynion and Stephanus on the following terms: that each of them shall keep Neaera at his house and have her at his disposal for an equal number of days in the month, unless they shall themselves agree upon some other arrangement.

When the reconciliation had been brought about, 48 those who had assisted either party in the arbitration and the whole affair did just what I fancy is always done, especially when the quarrel is about a courtesan. They went to dine at the house of whichever of the two had Neaera in his keeping, and the woman dined and drank with them, as being a courtesan.

To prove that these statements of mine are true, (*to the clerk*) call, please as witnesses those who were present with them, Eubulus of Probalinthus,<sup>a</sup> Diopethes of Melitê, and Cteson of Cerameis.<sup>b</sup>

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## ΜΑΡΤΥΡΙΑ

Εὐβουλος Προβαλίσιος, Διοπίθης Μελιτεύς, Κτήσων ἐκ Κεραμέων μαρτυροῦσιν, ἐπειδὴ αἱ διαλλαγὰὶ ἐγένοντο αἱ περὶ Νεαίρας Φρυνίωνι καὶ Στεφάνῳ, πολλάκις συνδειπνήσαι αὐτοῖς καὶ συμπίνειν μετὰ Νεαίρας τῆς νυνὶ ἀγωνιζομένης, καὶ ὁπότε παρὰ Στεφάνῳ εἶη Νεαίρα καὶ ὁπότε παρὰ Φρυνίωνι.

- 49 "Οτι μὲν τοίνυν ἐξ ἀρχῆς δούλη ἦν καὶ ἐπράθη δις καὶ ἠργάζετο τῷ σώματι ὡς ἑταῖρα οὔσα, καὶ ἀπέδρα τὸν Φρυνίωνα εἰς Μέγαρα, καὶ ἤκουσα κατηγγυήθη ὡς ξένη οὔσα πρὸς τῷ πολεμάρχῳ, τῷ τε λόγῳ ἀποφαίνω ὑμῖν καὶ μεμαρτύρηται.
- [1362] βούλομαι δ' ὑμῖν καὶ αὐτὸν Στέφανον τουτονὶ ἐπιδείξαι καταμεμαρτυρηκὸτ' αὐτῆς ὡς ἔστι ξένη.
- 50 Τὴν γὰρ θυγατέρα τὴν ταυτησί Νεαίρας, ἣν ἦλθεν ἔχουσα ὡς τοῦτον παιδάριον μικρόν, ἣν τότε μὲν Στρυβήλην ἐκάλουν, νυνὶ δὲ Φανῶ, ἐκδίδωσι Στέφανος οὕτωσιν ὡς οὔσαν αὐτοῦ θυγατέρα ἀνδρὶ Ἀθηναίῳ Φράστορι Αἰγυλιεῖ, καὶ προῖκα ἐπ' αὐτῇ δίδωσι τριάκοντα μνᾶς. ὡς δ' ἦλθεν ὡς τὸν Φράστορα, ἄνδρα ἐργάτην καὶ ἀκριβῶς τὸν βίον συνειλεγμένον, οὐκ ἠπίστατο τοῖς τοῦ Φράστορος τρόποις ἀρέσκειν, ἀλλ' ἐζήτει τὰ τῆς μητρὸς ἔθνη καὶ τὴν παρ' αὐτῇ ἀκολασίαν, ἐν τοιαύτῃ, οἶμαι,
- 51 ἐξουσία τεθραμμένη. ὁρῶν δ' ὁ Φράστῳρ αὐτὴν οὔτε κοσμίαν οὔσαν οὔτ' ἐθέλουσαν αὐτοῦ ἀκροᾶσθαι, ἅμα δὲ καὶ πεπυσμένος σαφῶς ἤδη, ὅτι Στεφάνου μὲν οὐκ εἶη θυγάτηρ, Νεαίρας δέ, τὸ

<sup>a</sup> Aegilia, a deme of the tribe Antiochis.

THE DEPOSITION

Eubulus of Probalinthus, Diopethes of Melitê, and Cteson of Cerameis, depose that after the reconciliation in the matter of Neaera was brought about between Phrynion and Stephanus they frequently dined with them and drank in the company of Neaera, the present defendant, both when Neaera was at the house of Stephanus and when she was at the house of Phrynion.

I have, then, shown you in my argument, and the 49 testimony of witnesses has proved: that Neaera was originally a slave, that she was twice sold, that she made her living by prostitution as a courtesan, that she ran away from Phrynion to Megara, and that on her return she was forced to give bonds as an alien before the polemarch. I wish now to show you that Stephanus here has himself given evidence against her, proving her to be an alien.

The daughter of this woman Neaera, whom she 50 brought with her as a small child to the house of Stephanus, and whom they then called Strybelê, but now call Phano, was given in marriage by this fellow Stephanus as being his own daughter to an Athenian, Phrastor, of Aegilia<sup>a</sup>; and a marriage portion of thirty minae was given with her. When she came to the house of Phrastor, who was a labouring man and one who had acquired his means by frugal living, she did not know how to adjust herself to his ways, but sought to emulate her mother's habits and the dissolute manner of living in her house, having, I suppose, been brought up in such licentiousness. Phrastor, seeing that she was not 51 a decent woman and that she was not minded to listen to his advice, and, further, having learned now beyond all question that she was the daughter, not of Stephanus, but of Neaera, and that he had been

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δὲ πρῶτον ἐξηπατήθη, ὅτ' ἠγγυᾶτο ὡς Στεφάνου  
 θυγατέρα λαμβάνων καὶ οὐ Νεαίρας, ἀλλὰ τούτῳ  
 ἐξ ἀστῆς αὐτὴν γυναικὸς οὖσαν πρότερον πρὶν  
 ταύτῃ συνοικῆσαι—ὀργισθεὶς δ' ἐπὶ τούτοις ἅπασιν,  
 καὶ ὑβρίσθαι ἠγούμενος καὶ ἐξηπατῆσθαι, ἐκβάλλει  
 τὴν ἄνθρωπον ὡς ἐνιαυτὸν συνοικήσας αὐτῇ, κουῦ-  
 52 σαν, καὶ τὴν προῖκα οὐκ ἀποδίδωσι. λαχόντος δὲ  
 τοῦ Στεφάνου αὐτῷ δίκην σίτου εἰς ᾽Ωιδεῖον, κατὰ  
 τὸν νόμον ὃς κελεύει, εἰάν ἀποπέμψῃ τὴν γυναῖκα,  
 ἀποδιδόναι τὴν προῖκα, εἰάν δὲ μή, ἐπ' ἐννέ' ὀβολοῖς  
 τοκοφορεῖν, καὶ σίτου εἰς ᾽Ωιδεῖον εἶναι δικάσασθαι  
 ὑπὲρ τῆς γυναικὸς τῷ κυρίῳ, γράφεται ὁ Φράστωρ  
 Στέφανον τουτονὶ γραφὴν πρὸς τοὺς θεσμοθέτας,  
 [1363] ᾽Αθηναίῳ ὄντι<sup>1</sup> ξένης θυγατέρα αὐτῷ ἐγγυῆσαι ὡς  
 αὐτῷ προσήκουσαν, κατὰ τὸν νόμον τουτονί.

Καὶ μοι ἀνάγνωθι αὐτόν.

### NOMOS

Ἐὰν δέ τις ἐκδῶ ξένην γυναῖκα ἀνδρὶ ᾽Αθηναίῳ ὡς  
 ἐαυτῷ προσήκουσαν, ἄτιμος ἔστω, καὶ ἡ οὐσία αὐτοῦ δη-  
 μοσία ἔστω, καὶ τοῦ ἐλόντος τὸ τρίτον μέρος. γραφέσθων  
 δὲ πρὸς τοὺς θεσμοθέτας οἷς ἕξεστι, καθάπερ τῆς ξενίας.

53 Τὸν μὲν τοίνυν νόμον ἀνέγνω ὑμῖν, καθ' ὃν  
 ἐγράφη Στέφανος οὕτως ὑπὸ τοῦ Φράστορος πρὸς  
 τοὺς θεσμοθέτας. γνοὺς δ' ὅτι κινδυνεύσει ἐξ-

<sup>1</sup> ᾽Αθηναίῳ ὄντι; the mss. have ᾽Αθηναίων ὄντα.

<sup>a</sup> Actions for alimony were carried before a tribunal which sat in the Odeum, a building properly devoted to musical contests.

<sup>b</sup> That is, at the rate of 18 per cent.



deceived in the first place at the time of the betrothal, when he had received her as the daughter, not of Neaera, but of Stephanus by an Athenian woman, whom he had married before he lived with Neaera—angered at all this and considering that he had been treated with outrage and hoodwinked, he put away the woman after living with her for about a year, she being pregnant at the time, and refused to pay back the marriage portion. Stephanus <sup>52</sup> brought suit for alimony against him in the Odeum <sup>a</sup> in accordance with the law which enacts that, if a man puts away his wife, he must pay back the marriage portion or else pay interest on it at the rate of nine obols a month for each mina <sup>b</sup>; and that on the woman's behalf her guardian may sue him for alimony in the Odeum. Phrastor, on his part, preferred an indictment against Stephanus before the Thesmothetae, charging that he had betrothed to him, being an Athenian, the daughter of an alien woman as though she were his own. This was in accordance with the following law.

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

THE LAW

If anyone shall give an alien woman in marriage to an Athenian man, representing her as being related to himself, he shall lose his civic rights and his property shall be confiscated, and a third part of it shall belong to the one who secures his conviction. And anyone entitled to do so may indict such a person before the Thesmothetae, just as in the case of usurpation of citizenship.

The clerk has read you the law in accordance with <sup>53</sup> which this fellow Stephanus was indicted by Phrastor before the Thesmothetae. Stephanus, then, knowing that, if he were convicted of having given in

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ελεγχθεὶς ξένης θυγατέρα ἡγγυηκέναι ταῖς ἐσχάταις  
ζημίαις περιπεσεῖν, διαλλάττεται πρὸς τὸν Φρά-  
στορα καὶ ἀφίσταται τῆς προικός, καὶ τὴν δίκην  
τοῦ σίτου ἀνείλετο, καὶ ὁ Φράστωρ τὴν γραφὴν  
παρὰ τῶν θεσμοθετῶν.

Καὶ ὡς ἀληθῆ λέγω, τούτων ὑμῖν μάρτυρα αὐτὸν  
τὸν Φράστορα καλῶ, καὶ ἀναγκάσω μαρτυρεῖν  
κατὰ τὸν νόμον.

54 Κάλει μοι Φράστορα Αἰγυλιέα.

### ΜΑΡΤΥΡΙΑ

Φράστωρ Αἰγυλιεὺς μαρτυρεῖ, ἐπειδὴ ἦσθετο Νεαίρας  
θυγατέρα ἐγγυήσαντα αὐτῷ Στέφανον ὡς ἑαυτοῦ οὔσαν  
θυγατέρα, γράψασθαι αὐτὸν γραφὴν πρὸς τοὺς θεσμο-  
θέτας κατὰ τὸν νόμον, καὶ τὴν ἀνθρωπον ἐκβαλεῖν ἐκ  
τῆς ἑαυτοῦ οἰκίας καὶ οὐκέτι συνοικεῖν αὐτῇ, καὶ λαχόν-  
τος αὐτῷ Στεφάνου εἰς ᾿Ωιδεῖον σίτου διαλύσασθαι πρὸς  
αὐτόν,<sup>1</sup> ὥστε τὴν γραφὴν ἀναιρεθῆναι παρὰ τῶν θεσμο-  
θετῶν καὶ τὴν δίκην τοῦ σίτου, ἣν ἔλαχεν ἐμοὶ Στέφανος.

[1364]

55

Φέρε δὴ ὑμῖν καὶ ἑτέραν μαρτυρίαν παράσχωμαι  
τοῦ τε Φράστορος καὶ τῶν φρατέρων αὐτοῦ καὶ  
γεννητῶν, ὡς ἔστι ξένη Νεαίρα αὐτηί. οὐ πολλῶ  
χρόνῳ γὰρ ὕστερον ἢ ἐξέπεμψεν ὁ Φράστωρ τὴν  
τῆς Νεαίρας θυγατέρα, ἠσθένησε καὶ πάνυ πονηρῶς  
διετέθη καὶ εἰς πᾶσαν ἀπορίαν κατέστη. δια-  
φορᾶς δ' οὔσης αὐτῷ παλαιᾶς πρὸς τοὺς οἰκείους  
τοὺς αὐτοῦ καὶ ὀργῆς καὶ μίσους, πρὸς δὲ καὶ  
ἄπαις ὢν, ψυχαγωγούμενος ἐν τῇ ἀσθενείᾳ τῇ  
θεραπείᾳ τῇ ὑπό τε τῆς Νεαίρας καὶ τῆς θυγατρὸς  
56 αὐτῆς (ἐβάδιζον γὰρ πρὸς αὐτόν, ὡς ἠσθένει καὶ  
ἔρημος ἦν τοῦ θεραπεύσοντος τὸ νόσημα, τὰ πρόσ-

<sup>1</sup> After αὐτόν the mss. add Στέφανον.

marriage the daughter of an alien woman, he would be liable to the heaviest penalties, came to terms with Phrastor and relinquished his claim to the marriage portion, and withdrew his action for alimony; and Phrastor on his part withdrew his indictment from the Thesmothetae.

To prove that my statements are true, I will call before you as witness to these facts Phrastor himself, and will compel him to give testimony as the law commands.

(*To the clerk.*) Please call Phrastor of Aegilia. 54

THE DEPOSITION

Phrastor of Aegilia deposes that, when he learned that Stephanus had given him in marriage a daughter of Neaera, representing that she was his own daughter, he lodged an indictment against him before the Thesmothetae, as the law provides, and drove the woman from his house, and ceased to live with her any longer; and that after Stephanus had brought suit against him in the Odeum for alimony, he made an arrangement with him on the terms that the indictment before the Thesmothetae should be withdrawn, and also the suit for alimony which Stephanus had brought against me.

Now let me bring before you another deposition 55 of Phrastor and his clansmen and the members of his *gens*, which proves that the defendant Neaera is an alien. Not long after Phrastor had sent away the daughter of Neaera, he fell sick. He got into a dreadful condition and became utterly helpless. There was an old quarrel between him and his own relatives, toward whom he cherished anger and hatred; and besides he was childless. Being cajoled, therefore, in his illness by the attentions of Neaera and her daughter—they came while he lay sick and 56 had no one to care for him, bringing him the medi-

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φορα τῇ νόσῳ φέρουσαι καὶ ἐπισκοπούμεναι·  
 ἴστε δῆπου καὶ αὐτοί, ὅσου ἀξία ἐστὶ γυνὴ ἐν ταῖς  
 νόσοις, παροῦσα κάμνοντι ἀνθρώπῳ) ἐπίεσθη δὴ  
 τὸ παιδίον, ὃ ἔτεκεν ἢ θυγάτηρ ἢ Νεαίρας ταυτησί  
 ὅτ' ἐξεπέμφθη ὑπὸ τοῦ Φράστορος κυοῦσα, πυθο-  
 μένου ὅτι οὐ Στεφάνου εἶη θυγάτηρ, ἀλλὰ Νεαίρας,  
 καὶ ὀργισθέντος ἐπὶ τῇ ἀπάτῃ, πάλιν λαβεῖν καὶ  
 57 ποιήσασθαι υἷον αὐτοῦ, λογισμὸν ἀνθρώπινον καὶ  
 εἰκότα λογιζόμενος, ὅτι πονηρῶς μὲν ἔχοι καὶ οὐ  
 πολλὴ ἐλπίς εἶη αὐτὸν περιγενήσεσθαι, τοῦ δὲ μὴ  
 λαβεῖν τοὺς συγγενεῖς τὰ αὐτοῦ μηδ' ἄπαις τετελευ-  
 τηκέναι ἐποίησατο τὸν παῖδα καὶ ἀνέλαβεν ὡς  
 αὐτόν· ἐπεὶ ὅτι γε ὑγιαίνων οὐκ ἂν ποτε ἔπραξε,  
 58 μέγαν τεκμηρίῳ καὶ περιφανεί ἐγὼ ὑμῖν ἐπιδείξω.  
 ὡς γὰρ ἀνέστη τάχιστα ἐξ ἐκείνης τῆς ἀσθενείας  
 ὁ Φράστῳρ καὶ ἀνέλαβεν αὐτόν καὶ ἔσχεν ἐπιεικῶς  
 τὸ σῶμα, λαμβάνει γυναῖκα ἀστὴν κατὰ τοὺς  
 [1365] νόμους, Σατύρου μὲν τοῦ Μελιτέως θυγατέρα  
 γνησίαν, Διφίλου δὲ ἀδελφὴν. ὥστε ὅτι μὲν οὐχ  
 ἐκὼν ἀνεδέξατο τὸν παῖδα, ἀλλὰ βιασθεῖς ὑπὸ τῆς  
 νόσου καὶ τῆς ἀπαιδίας καὶ τῆς ὑπ' αὐτῶν θερα-  
 1 πείας καὶ τῆς ἔχθρας τῆς πρὸς τοὺς οἰκείους, ἵνα  
 μὴ κληρονόμοι γένωνται τῶν αὐτοῦ, ἂν τι πάθῃ,  
 ταῦτ' ἔστω ὑμῖν τεκμήρια· δηλώσει δὲ καὶ τὰ κό-  
 59 λουθ' αὐτῶν ἔτι μᾶλλον. ὡς γὰρ εἰσήγεν ὁ  
 Φράστῳρ εἰς τοὺς φράτερας τὸν παῖδα ἐν τῇ ἀ-  
 σθενείᾳ ὦν τὸν ἐκ τῆς θυγατρὸς τῆς Νεαίρας, καὶ  
 εἰς τοὺς Βρυτίδας ὦν καὶ αὐτός ἐστιν ὁ Φράστῳρ  
 γεννήτης, εἰδότες, οἶμαι, οἱ γεννηῆται τὴν γυναῖκα

*... τοῦ Νεαίρας ...  
 ... ἀδελφὴν ...  
 ... ἀσθενείᾳ ...*

cines suited to his case and looking after his needs ; and you know of yourselves what value a woman has in the sick-room, when she waits upon a man who is ill—well, he was induced to take back and adopt as his son the child whom the daughter of this woman Neaera had borne after she was sent away from his house in a state of pregnancy, after he had learned that she was the daughter, not of Stephanus, but of Neaera, and was angered at their deceit. His reasoning in the matter was both 57 natural and to be expected. He was in a precarious condition and there was not much hope that he would recover. He did not wish his relatives to get his property nor himself to die childless, so he adopted this boy and received him back into his house. That he would never have done this, if he had been in good health, I will show you by a strong and convincing proof. For no sooner had Phrastor got up 58 from that sickness and recovered his health and was fairly well, than he took to wife according to the laws an Athenian woman, the legitimate daughter of Satyrus, of Melitê, and the sister of Diphilus. Let this, therefore, be a proof to you that he took back the child, not willingly, but forced by his sickness, by his childless condition, by the care shown by these women in nursing him, and by the enmity which he felt toward his own relatives, and his wish that they should not inherit his property, if anything should happen to him. This will be proved to you even more clearly by what followed. For when Phrastor 59 at the time of his illness sought to introduce the boy born of the daughter of Neaera to his clansmen and to the Brytidae, to which *gens* Phrastor himself belongs, the members of the *gens*, knowing, I fancy,

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- ἥτις ἦν, ἣν ἔλαβεν ὁ Φράστωρ τὸ πρῶτον, τὴν τῆς Νεαίρας θυγατέρα, καὶ τὴν ἀπόπεμψιν τῆς ἀνθρώπου, καὶ διὰ τὴν ἀσθένειαν πεπεισμένον αὐτὸν πάλιν ἀναλαβεῖν τὸν παῖδα, ἀποψηφίζονται τοῦ παιδὸς καὶ οὐκ ἐνέγραφον αὐτὸν εἰς σφᾶς αὐτοῦς.
- 60 λαχόντος δὲ τοῦ Φράστορος αὐτοῖς δίκην, ὅτι οὐκ ἐνέγραφον αὐτοῦ υἱόν, προκαλοῦνται αὐτὸν οἱ γεννηῆται πρὸς τῷ διαιτητῇ ὁμόσαι καθ' ἱερῶν τελείων, ἣ μὴν νομίζειν εἶναι αὐτοῦ υἱόν ἐξ ἀστῆς γυναικὸς καὶ ἐγγνητῆς κατὰ τὸν νόμον. προκαλουμένων δὲ ταῦτα τῶν γεννητῶν τὸν Φράστορα πρὸς τῷ διαιτητῇ, ἔλιπεν ὁ Φράστωρ τὸν ὄρκον καὶ οὐκ ὤμοσεν.
- 61 Καὶ ὅτι ἀληθῆ ταῦτα λέγω, τούτων ὑμῖν μάρτυρας τοὺς παρόντας Βρυτιδῶν παρέξομαι.

### ΜΑΡΤΥΡΕΣ

Τιμόστρατος Ἐκάληθεν, Ξάνθιππος Ἐροιάδης, Εὐάλκης Φαληρεῖς, Ἄνυτος Λακιάδης, Εὐφράνωρ Αἰγυλιεύς, Νίκιππος Κεφαλῆθεν μαρτυροῦσιν εἶναι καὶ αὐτοὺς καὶ Φράστορα τὸν Αἰγυλιέα τῶν γεννητῶν οἱ καλοῦνται Βρυτιδαί, καὶ ἀξιούντος Φράστορος εἰσάγειν<sup>1</sup> υἱὸν αὐτοῦ εἰς τοὺς γεννήτας, εἰδότες αὐτοὶ ὅτι Φράστορος υἱὸς εἶη ἐκ τῆς θυγατρὸς τῆς Νεαίρας, κωλύειν εἰσάγειν Φράστορα τὸν υἱόν.

- 62 Οὐκοῦν περιφανῶς ἐπιδεικνύω ὑμῖν καὶ αὐτοὺς τοὺς οἰκειοτάτους Νεαίρας ταυτησὶ καταμεμαρτυρηκότας ὡς ἔστι ξένη, Στέφανόν τε τουτονὶ τὸν ἔχοντα ταύτην νυνὶ καὶ συνοικοῦντ' αὐτῇ, καὶ

<sup>1</sup> εἰσάγειν Blass] εἰσάγειν τὸν MSS.

who the woman was whom Phrastor first took to wife, that, namely, she was the daughter of Neaera, and knowing, too, of his sending the woman away, and that it was because of his illness that Phrastor had been induced to take back the child, refused to recognize the child and would not enter him on their register. Phrastor brought suit against them 60 for refusing to register his son, but the members of the *gens* challenged him before the arbitrator to swear by full-grown victims that he verily believed the boy to be his own son, born of an Athenian woman and one betrothed to him in accordance with the law. When the members of the *gens* tendered this challenge to Phrastor before the arbitrator, he refused to take the oath, and did not swear.

To prove that these statements of mine are true, 61 I will bring before you as witnesses the members of the Brytid *gens* who were present.

THE WITNESSES

Timostratus of Hecalê, Xanthippus of Eroeadæ, Evalces of Phalerum, Anytus of Laciadæ, Euphranor of Aegilia, and Nicippus of Cephâlê,<sup>a</sup> depose that both they and Phrastor of Aegilia are members of the *gens* called Brytidæ, and that, when Phrastor claimed the right to introduce a son of his into the *gens*, they, on their part, knowing that Phrastor's son was born of the daughter of Neaera, would not suffer Phrastor to introduce his son.

I prove to you, therefore, in a manner that leaves 62 no room for doubt that even those most nearly connected with this woman Neaera have given testimony against her, proving that she is an alien—Stephanus here, who now keeps the woman and

<sup>a</sup> Hecalê, a deme of the tribe Leontis, Laciadæ of the tribe Oeneïs, and Cephâlê of the tribe Acamantis.

- he wanted to prove that Phrastor did not tell them he was not Stephanus ... wear perhaps to ...

Φράστορα τὸν λαβόντα τὴν θυγατέρα, Στέφανον  
 μὲν οὐκ ἐθελήσαντα ἀγωνίσασθαι ὑπὲρ τῆς θυγα-  
 τρὸς τῆς ταύτης, γραφέντα ὑπὸ Φράστορος πρὸς  
 τοὺς θεσμοθέτας, ὡς Ἀθηναίῳ ὄντι<sup>1</sup> ξένης θυ-  
 γατέρα αὐτῷ ἠγγύησεν, ἀλλ' ἀποστάντα τῆς  
 63 προικὸς καὶ οὐκ ἀπολαβόντα, Φράστορα δ' ἐκ-  
 βαλόντα τε τὴν θυγατέρα τὴν Νεαίρας ταυτησὶ  
 γήμαντα, ἐπειδὴ ἐπύθετο οὐ Στεφάνου οὔσαν, καὶ  
 τὴν προῖκα οὐκ ἀποδόντα, ἐπειδὴ τε ἐπέισθη  
 ὕστερον διὰ τὴν ἀσθένειαν τὴν αὐτοῦ καὶ τὴν  
 ἀπαιδίαν καὶ τὴν ἔχθραν τὴν πρὸς τοὺς οἰκείους  
 ποιήσασθαι τὸν υἱόν, καὶ ἐπεὶ εἰσῆγεν εἰς τοὺς  
 γεννήτας, ἀποψηφισαμένων τῶν γεννητῶν καὶ δι-  
 δόντων ὄρκον αὐτῷ οὐκ ἐθελήσαντα ὁμόσαι, ἀλλὰ  
 μᾶλλον εὐορκεῖν προελόμενον, καὶ ἑτέραν ὕστερον  
 γήμαντα γυναῖκα ἀσθὴν κατὰ τὸν νόμον· αὗται  
 γὰρ αἱ πράξεις περιφανεῖς οὔσαι μεγάλας μαρτυρίας  
 δεδώκασιν κατ' αὐτῶν, ὅτι ἔστι ξένη Νεαίρα αὐτῇ.  
 64 Σκέψασθε δὲ καὶ τὴν αἰσχροκέρδειαν τὴν Στε-  
 φάνου τουτουὶ καὶ τὴν ποιηρίαν, ἵνα καὶ ἐκ ταύτης  
 εἰδῆτε ὅτι οὐκ ἔστι Νεαίρα αὐτῇ ἀσθὴ. Ἐπαί-  
 νετον γὰρ τὸν Ἄνδριον, ἔραστήν ὄντα Νεαίρας  
 ταυτησὶ παλαιὸν καὶ πολλὰ ἀνηλωκότα εἰς αὐτὴν,  
 καὶ καταγόμενον παρὰ τούτοις ὁπότε ἐπιδημήσειεν  
 65 Ἀθήναζε διὰ τὴν φιλίαν τὴν Νεαίρας, ἐπιβουλεύσας  
 [1367] Στέφανος οὔτοςί, μεταπεμφάμενος εἰς ἀγρὸν ὡς  
 θύων, λαμβάνει μοιχὸν ἐπὶ τῇ θυγατρὶ τῇ Νεαίρας

<sup>1</sup> Ἀθηναίῳ ὄντι] mss. Ἀθηναῖος ὢν.

<sup>a</sup> The large island off the south-eastern end of Euboea.



lives with her, and Phrastor, who took her daughter to wife—Stephanus, since he refused to go on trial on behalf of this daughter when he was indicted by Phrastor before the Thesmothetae on the charge that he had betrothed the daughter of an alien to him who was an Athenian, but had rather relinquished the claim to the marriage portion, and had not recovered it; and Phrastor, since he had put 63 away the daughter of this Neaera after marrying her, when he learned that she was not the daughter of Stephanus, and had refused to return her marriage portion; and when later on he was induced by his illness and his childless condition and his enmity toward his relatives to adopt the child, and when he sought to introduce him to the members of the *gens*, and they voted to reject the child and challenged him to take an oath, he refused to swear, but chose rather to avoid committing perjury, and subsequently married in accordance with the law another woman who was an Athenian. These facts, about which there is no room for doubt, have afforded you convincing testimony against our opponents, proving that this Neaera is an alien.

Now observe the base love of gain and the 64 villainous character of this fellow Stephanus, in order that from this again you may be convinced that this Neaera is not an Athenian woman. Epaenetus, of Andros,<sup>a</sup> an old lover of Neaera, who had spent large sums of money upon her, used to lodge with these people whenever he came to Athens on account of his affection for Neaera. Against him this man Stephanus laid a plot. He sent 65 for him to come to the country under pretence of a sacrifice and then, having surprised him in

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ταυτησί, καὶ εἰς φόβον καταστήσας πράττεται  
 μνάς τριάκοντα, καὶ λαβῶν ἐγγυητὰς τούτων  
 Ἀριστόμαχόν τε τὸν θεσμοθετήσαντα καὶ Ναυσί-  
 φιλον τὸν Ναυσινίκου τοῦ ἄρξαντος υἱόν, ἀφήσιν  
 66 ὡς ἀποδώσουτ' αὐτῷ τὸ ἀργύριον. ἐξελθὼν δὲ ὁ  
 Ἐπαίνετος καὶ αὐτὸς αὐτοῦ κύριος γενόμενος,  
 γράφεται πρὸς τοὺς θεσμοθέτας γραφὴν Στέφανον  
 τουτονί, ἀδίκως εἰρχθῆναι ὑπ' αὐτοῦ, κατὰ τὸν  
 νόμον ὃς κελεύει, ἔάν τις ἀδίκως εἴρξη ὡς μοιχόν,  
 γράψασθαι πρὸς τοὺς θεσμοθέτας ἀδίκως εἰρχθῆναι,  
 καὶ ἔαν μὲν ἔλη τὸν εἴρξαντα καὶ δόξη ἀδίκως  
 ἐπιβεβουλευσθαι, ἀθῶον εἶναι αὐτὸν καὶ τοὺς  
 ἐγγυητὰς ἀπηλλάχθαι τῆς ἐγγύης· ἔαν δὲ δόξη  
 μοιχὸς εἶναι, παραδοῦναι αὐτὸν κελεύει τοὺς ἐγ-  
 γυητὰς τῷ ἐλόντι, ἐπὶ δὲ τοῦ δικαστηρίου ἄνευ  
 ἐγχειριδίου χρῆσθαι ὅ τι ἂν βουληθῆ, ὡς μοιχῷ  
 67 ὄντι. κατὰ δὲ τοῦτον τὸν νόμον γράφεται αὐτὸν  
 ὁ Ἐπαίνετος, καὶ ὠμολόγει μὲν χρῆσθαι τῇ ἀν-  
 θρώπῳ, οὐ μέντοι μοιχὸς γε εἶναι· οὔτε γὰρ Στε-  
 φάνου θυγατέρα αὐτὴν εἶναι, ἀλλὰ Νεαίρας, τὴν  
 τε μητέρα αὐτῆς συνειδέναί πλησιάζουσαν αὐτῷ,  
 ἀνηλωκέναί τε πολλὰ εἰς αὐτάς, τρέφειν τε, ὅποτε  
 ἐπιδημήσειε, τὴν οἰκίαν ὄλην· τὸν τε νόμον ἐπὶ  
 τούτοις παρεχόμενος, ὃς οὐκ ἔῃ ἐπὶ ταύτησι μοιχὸν  
 λαβεῖν, ὅποσαι ἂν ἐπ' ἐργαστηρίου καθῶνται ἢ<sup>1</sup>

<sup>1</sup> After καθῶνται ἢ the mss. add ἐν τῇ ἀγορᾷ.

<sup>a</sup> Nausinicus was archon eponymos in 378-377 B.C.

adultery with the daughter of this Neaera, intimidated him and extorted from him thirty minae. As sureties for this sum he accepted Aristomachus, who had served as Thesmothete, and Nausiphilus, the son of Nausinicus, who had served as archon,<sup>a</sup> and then released him under pledge that he would pay the money. Epaenetus, however, when he got 66 out and was again his own master preferred before the Thesmothetae an indictment for unlawful imprisonment against this Stephanus in accordance with the law which enacts that, if a man unlawfully imprisons another on a charge of adultery, the person in question may indict him before the Thesmothetae on a charge of illegal imprisonment; and if he shall convict the one who imprisoned him and prove that he was the victim of an unlawful plot, he shall be let off scot-free, and his sureties shall be released from their engagement; but if it shall appear that he was an adulterer, the law bids his sureties give him over to the one who caught him in the act, and he in the court-room may inflict upon him, as upon one guilty of adultery, whatever treatment he pleases, provided he use no knife. It was in accordance with this law that Epaenetus 67 indicted Stephanus. He admitted having intercourse with the woman, but denied that he was an adulterer; for, he said, she was not the daughter of Stephanus, but of Neaera, and the mother knew that the girl was having intercourse with him, and he had spent large sums of money upon them, and whenever he came to Athens he supported the entire household. In addition to this he brought forward the law which does not permit one to be taken as an adulterer who has to do with women

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πωλῶνται ἀποπεφασμένως, ἐργαστήριον φάσκων  
 καὶ τοῦτο εἶναι, τὴν Στεφάνου οἰκίαν, καὶ τὴν  
 ἐργασίαν ταύτην εἶναι, καὶ ἀπὸ τούτων αὐτοὺς  
 68 εὐπορεῖν μάλιστα. τούτους δὲ τοὺς λόγους λέ-  
 [1368] γοντος τοῦ Ἐπαινέτου καὶ τὴν γραφὴν γεγραμ-  
 μένου, γνοὺς Στέφανος οὕτως ὅτι ἐξελεγχθήσεται  
 πορνοβοσκῶν καὶ συκοφαντῶν, δίαιταν ἐπιτρέπει  
 πρὸς τὸν Ἐπαίνετον αὐτοῖς τοῖς ἐγγυηταῖς, ὥστε  
 τῆς μὲν ἐγγύης αὐτοὺς ἀφεῖσθαι, τὴν δὲ γραφὴν  
 69 ἀνελέσθαι τὸν Ἐπαίνετον. πεισθέντος δὲ τοῦ  
 Ἐπαινέτου ἐπὶ τούτοις, καὶ ἀνελομένου τὴν γραφὴν  
 ἣν ἐδίωκε Στέφανον, γενομένης συνόδου αὐτοῖς καὶ  
 καθεζομένων διαιτητῶν τῶν ἐγγυητῶν, δίκαιον  
 μὲν οὐδὲν εἶχε λέγειν Στέφανος, εἰς ἔκδοσιν δ'  
 ἡξίου τὸν Ἐπαίνετον τῇ τῆς Νεαίρας θυγατρὶ  
 συμβαλέσθαι, λέγων τὴν ἀπορίαν τὴν αὐτοῦ καὶ  
 τὴν ἀτυχίαν τὴν πρότερον γενομένην τῇ ἀνθρώπῳ  
 πρὸς τὸν Φράστορα, καὶ ὅτι ἀπολωλεκῶς εἶη τὴν  
 προῖκα, καὶ οὐκ ἂν δύναίτο πάλιν αὐτὴν ἐκδοῦναι·  
 70 “σὺ δὲ καὶ κέχρησαι,” ἔφη, “τῇ ἀνθρώπῳ, καὶ  
 δίκαιος εἰ ἀγαθόν τι ποιῆσαι αὐτήν,” καὶ ἄλλους  
 ἐπαγωγοὺς λόγους, οὓς ἂν τις δεόμενος ἐκ πονηρῶν  
 πραγμάτων εἶποι ἄν. ἀκούσαντες δ' ἀμφοτέρων  
 αὐτῶν οἱ διαιτηταὶ διαλλάττουσιν αὐτούς, καὶ  
 πείθουσι τὸν Ἐπαίνετον χιλίας δραχμὰς εἰσ-  
 ενεγκεῖν εἰς τὴν ἔκδοσιν τῇ θυγατρὶ τῇ Νεαίρας.

Καὶ ὅτι πάντα ταῦτ' ἀληθῆ λέγω, τούτων ὑμῖν

who sit professionally in a brothel or who openly offer themselves for hire ; for this, he said, is what the house of Stephanus is, a house of prostitution ; this is their trade, and they get their living chiefly by this means. When Epaenetus had made these 68 statements and had preferred the indictment, this Stephanus, knowing that he would be convicted of keeping a brothel and extorting blackmail, submitted his dispute with Epaenetus for arbitration to the very men who were the latter's sureties on the terms that they should be released from their engagement and that Epaenetus should withdraw the indictment. Epaenetus acceded to these terms 69 and withdrew the indictment which he had preferred against Stephanus, and a meeting took place between them at which the sureties sat as arbitrators. Stephanus could say nothing in defence of his action, but he requested Epaenetus to make a contribution toward a dowry for Neaera's daughter, making mention of his own poverty and the misfortune which the girl had formerly met with in her relations with Phrastor, and asserting that he had lost her marriage portion and could not provide another for her. "You," he said, "have enjoyed 70 the woman's favours, and it is but right that you should do something for her." He added other words calculated to arouse compassion, such as anyone might use in entreaty to get out of a nasty mess. The arbitrators, after hearing both parties, brought about a reconciliation between them, and induced Epaenetus to contribute one thousand drachmae toward the marriage portion of Neaera's daughter.

To prove the truth of these statements of mine, I

## DEMOSTHENES

μάρτυρας αὐτοὺς τοὺς ἐγγυητὰς καὶ διαιτητὰς  
γενομένους καλῶ.

### ΜΑΡΤΥΡΕΣ

- 71 *Ναυσίφιλος Κεφαλῆθεν, Ἀριστόμαχος Κεφαλῆθεν μαρτυροῦσιν ἐγγυηταὶ γενέσθαι Ἐπαινέτου τοῦ Ἀνδρίου, ὃτ' ἔφη Στέφανος μοιχὸν εἰληφέναι Ἐπαινέτον· καὶ ἐπειδὴ ἐξῆλθεν Ἐπαινέτος παρὰ Στεφάνου καὶ κύριος ἐγένετο αὐτοῦ, γράψασθαι γραφὴν Στέφανον πρὸς τοὺς θεσμο-*  
 [1369] *θέτας, ὅτι αὐτὸν ἀδίκως εἴρξε· καὶ αὐτοὶ διαλλακταὶ γενόμενοι διαλλάξαι Ἐπαινέτον καὶ Στέφανον· τὰς δὲ διαλλαγὰς εἶναι ἅς παρέχεται Ἀπολλόδωρος.*

### ΔΙΑΛΛΑΓΑΙ

- Ἐπὶ τοῖσδε διήλλαξαν Στέφανον καὶ Ἐπαινέτον οἱ διαλλακταί, τῶν μὲν γεγενημένων περὶ τὸν εἰργμὸν μηδεμίαν μνείαν ἔχειν, Ἐπαινέτον δὲ δοῦναι χιλίας δραχμὰς Φανοῖ εἰς ἔκδοσιν, ἐπειδὴ κέχρηται αὐτῇ πολλάκις· Στέφανον δὲ παρέχειν Φανῶ Ἐπαινέτῳ, ὅποταν ἐπιδημῆ καὶ βούληται συνεῖναι αὐτῇ.*
- 72 *Τὴν τοίνυν περιφανῶς ἐγνωσμένην ξένην εἶναι, καὶ ἐφ' ἣ μοιχὸν οὗτος ἐτόλμησε λαβεῖν, εἰς τοσοῦτον ὕβρεως καὶ ἀναιδείας ἦλθε Στέφανος οὕτοσι καὶ Νέαιρα αὐτῇ, ὥστε<sup>1</sup> μὴ ἀγαπᾶν εἰ ἔφασκον αὐτὴν ἀστὴν εἶναι, ἀλλὰ κατιδόντες Θεογένην Κοθωκίδην λαχόντα βασιλέα, ἄνθρωπον εὐγενῆ μὲν, πένητα δὲ καὶ ἄπειρον πραγμάτων, συμπαραγενόμενος αὐτῷ δοκιμαζομένῳ καὶ συνευπορήσας*

<sup>1</sup> After ὥστε the mss. add ἐτόλμησαν.

<sup>a</sup> Cothocidae, a deme of the tribe Oeneis. Since in § 84 Theogenes is said to be from the deme Erchia, some have thought that in the present passage Κοθωκίδην may be a corruption of a patronymic, and not the name of a deme.

## AGAINST NEAERA, 70-72

will call as witnesses to these facts the very men who were sureties and arbitrators.

### THE WITNESSES

Nausiphilus of Cephalê and Aristomachus of Cephalê 71  
depose that they became sureties for Epaenetus of Andros, when Stephanus asserted that he had caught Epaenetus in adultery; and that when Epaenetus had got away from the house of Stephanus and had become his own master, he preferred before the Thesmothetae an indictment against Stephanus for illegal imprisonment; that they were themselves appointed as arbitrators, and brought about a reconciliation between Epaenetus and Stephanus, and that the terms of the reconciliation were those which Apollodorus produces.

### THE TERMS OF RECONCILIATION

The arbitrators brought about a reconciliation between Stephanus and Epaenetus on the following terms: they shall bear no malice for what took place regarding the imprisonment; Epaenetus shall give to Phano one thousand drachmae toward her marriage portion, inasmuch as he has frequently enjoyed her favours; and Stephanus shall put Phano at the disposal of Epaenetus whenever he comes to Athens and wishes to enjoy her.

Although this woman, then, was acknowledged 72  
beyond all question to be an alien, and although Stephanus had had the audacity to charge with adultery a man taken with her, these two, Stephanus and Neaera, came to such a pitch of insolence and shamelessness that they were not content with asserting her to be of Athenian birth; but observing that Theogenes, of Cothocidae,<sup>a</sup> had been drawn by lot as king,<sup>b</sup> a man of good birth, but poor and without experience in affairs, this Stephanus, who had assisted him at his scrutiny and had helped him

<sup>b</sup> That is, as king-archon.

## DEMOSTHENES

- ἀναλωμάτων, ὅτε εἰσῆει εἰς τὴν ἀρχήν, Στέφανος οὔτοσί, καὶ ὑπελθὼν καὶ τὴν ἀρχὴν παρ' αὐτοῦ πριάμενος, πάρεδρος γενόμενος, δίδωσι τὴν ἀνθρωπον ταύτην γυναῖκα, τὴν τῆς Νεαίρας θυγατέρα, καὶ ἐγγυᾶ Στέφανος οὔτοσί ὡς αὐτοῦ θυγατέρα οὔσαν· οὕτω πολὺ τῶν νόμων καὶ ὑμῶν κατεφρόνησεν. καὶ αὕτη ἡ γυνὴ ὑμῖν ἔθνε τὰ ἄρρητα ἱερά ὑπὲρ τῆς πόλεως, καὶ εἶδεν ἃ οὐ προσῆκεν αὐτὴν ὁρᾶν ξένην οὔσαν, καὶ τοιαύτη οὔσα εἰσῆλθεν, οἱ οὐδεὶς ἄλλος Ἀθηναίων τοσοῦτων ὄντων εἰσέρχεται, ἀλλ' ἢ ἡ τοῦ βασιλέως γυνή, ἐξώρκωσέ τε τὰς
- [1370] γεραρὰς τὰς ὑπηρετούσας τοῖς ἱεροῖς, ἐξεδόθη δὲ τῷ Διονύσῳ γυνή, ἔπραξε δὲ ὑπὲρ τῆς πόλεως τὰ πάτρια τὰ πρὸς τοὺς θεοὺς, πολλὰ καὶ ἄγρια καὶ ἀπόρρητα. ἃ δὲ μὴδ' ἀκοῦσαι πᾶσιν οἷόν τ' ἐστί, πῶς ποιῆσαί γε τῇ ἐπιτυχούσῃ εὐσεβῶς ἔχει, ἄλλως τε καὶ τοιαύτη γυναικὶ καὶ τοιαῦτα ἔργα διαπεπραγμένη;
- 74 Βούλομαι δ' ὑμῖν ἀκριβέστερον περὶ αὐτῶν ἄνωθεν διηγῆσασθαι καθ' ἕκαστον, ἵνα μᾶλλον ἐπιμέλειαν ποιήσησθε τῆς τιμωρίας, καὶ εἰδῆτε ὅτι οὐ μόνον ὑπὲρ ὑμῶν αὐτῶν καὶ τῶν νόμων τὴν ψῆφον οἴσετε, ἀλλὰ καὶ τῆς πρὸς τοὺς θεοὺς εὐλαβείας, τιμωρίαν ὑπὲρ τῶν ἡσεβημένων ποιούμενοι καὶ κολάζοντες τοὺς ἡδίκηκότας.

Τὸ γὰρ ἀρχαῖον, ὧ ἄνδρες Ἀθηναῖοι, δυναστεία

<sup>a</sup> See note *b* on p. 315 of this volume.

<sup>b</sup> These were women whose duty was to minister at the altars of Dionysus.

<sup>c</sup> At the festival of the Anthesteria, in order to symbolize



meet his expenses when he entered upon his office, wormed his way into his favour, and by buying the position from him got himself appointed his assessor.<sup>a</sup> He then gave him in marriage this woman, the daughter of Neaera, and betrothed her to him as being his own daughter; so utterly did he scorn you and your laws. And this woman offered on the 73 city's behalf the sacrifices which none may name, and saw what it was not fitting for her to see, being an alien; and despite her character she entered where no other of the whole host of the Athenians enters save the wife of the king only; and she administered the oath to the venerable priestesses<sup>b</sup> who preside over the sacrifices, and was given as bride to Dionysus<sup>c</sup>; and she conducted on the city's behalf the rites which our fathers handed down for the service of the gods, rites many and solemn and not to be named. If it be not permitted that anyone even hear of them, how can it be consonant with piety for a chance-comer to perform them, especially a woman of her character and one who has done what she has done?

I wish, however, to go back farther and explain 74 these matters to you in greater detail, that you may be more careful in regard to the punishment, and may be assured that you are to cast your votes, not only in the interest of your selves and the laws, but also in the interest of reverence towards the gods, by exacting the penalty for acts of impiety, and by punishing those who have done the wrong.

In ancient times, men of Athens, there was the union of the god with the people, the (presumably) noblest woman in the land—the wife of the king—was given as bride to Dionysus.

## DEMOSTHENES

ἐν τῇ πόλει ἦν, καὶ ἡ βασιλεία τῶν αἰεὶ ὑπερεχόντων  
διὰ τὸ αὐτόχθονας εἶναι, τὰς δὲ θυσίας ἀπάσας ὁ  
βασιλεὺς ἔθνε, καὶ τὰς σεμνοτάτας καὶ ἀρρήτους  
ἢ γυνὴ αὐτοῦ ἐποίει, εἰκότως, βασίλινα οὖσα.

75 ἐπειδὴ δὲ Θησεὺς συνώκισεν αὐτοὺς καὶ δημοκρα-  
τίαν ἐποίησε καὶ ἡ πόλις πολυάνθρωπος ἐγένετο,  
τὸν μὲν βασιλέα οὐδὲν ἦττον ὁ δῆμος ἤρείτο ἐκ  
προκρίτων κατ' ἀνδραγαθίαν χειροτονῶν, τὴν δὲ  
γυναῖκα αὐτοῦ νόμον ἔθεντο ἀστήν εἶναι καὶ μὴ  
ἐπιμεμειγμένην ἑτέρῳ ἀνδρὶ, ἀλλὰ παρθένον γαμῆν,  
ἵνα κατὰ τὰ πάτρια θύηται τὰ ἄρρητα ἱερὰ ὑπὲρ  
τῆς πόλεως, καὶ τὰ νομιζόμενα γίγνηται τοῖς θεοῖς  
εὐσεβῶς, καὶ μηδὲν καταλύηται μηδὲ καινοτομήται.

76 καὶ τοῦτον τὸν νόμον γράψαντες ἐν στήλῃ λιθίνῃ  
ἔστησαν ἐν τῷ ἱερῷ τοῦ Διονύσου παρὰ τὸν βωμὸν  
ἐν Λίμναις (καὶ αὕτη ἡ στήλη ἔτι καὶ νῦν ἔστηκεν,  
ἀμυδροῖς γράμμασιν Ἀττικοῖς δηλοῦσα τὰ γε-  
γραμμένα), μαρτυρίαν ποιούμενος ὁ δῆμος ὑπὲρ

[1371] τῆς αὐτοῦ εὐσεβείας πρὸς τὸν θεὸν καὶ παρα-  
καταθήκην καταλείπων τοῖς ἐπιγιγνομένοις, ὅτι τὴν  
γε θεῶ<sup>1</sup> γυναῖκα δοθησομένην καὶ ποιήσουσαν τὰ  
ἱερὰ τοιαύτην ἀξιούμεν εἶναι. καὶ διὰ ταῦτα ἐν  
τῷ ἀρχαιοτάτῳ ἱερῷ τοῦ Διονύσου καὶ ἀγιωτάτῳ  
ἐν Λίμναις ἔστησαν, ἵνα μὴ πολλοὶ εἰδῶσι τὰ γε-  
γραμμένα· ἀπαξ γὰρ τοῦ ἐνιαυτοῦ ἐκάστου ἀν-  
οίγεται, τῇ δωδεκάτῃ τοῦ Ἀνθεστηριῶνος μηνός.

<sup>1</sup> γε θεῶ Schaefer : γέ σοι MSS.

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<sup>a</sup> A district in the southern part of Athens, though  
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sovereignty in our state, and the kingship belonged to those who were from time to time pre-eminent by reason of their being children of the soil, and the king offered all the sacrifices, and those which were holiest and which none might name his wife performed, as was natural, she being queen. But 75 when Theseus settled the people in one city and established the democracy, and the city became populous, the people none the less continued to elect the king as before, choosing him from among those most distinguished by valour; and they established a law that his wife should be of Athenian birth, and that he should marry a virgin who had never known another man, to the end that after the custom of our fathers the sacred rites that none may name may be celebrated on the city's behalf, and that the approved sacrifices may be made to the gods as piety demands, without omission or innovation. This law they wrote on a pillar of 76 stone, and set it up in the sanctuary of Dionysus by the altar in Limnae<sup>a</sup> (and this pillar even now stands, showing the inscription in Attic characters, nearly effaced). Thus the people testified to their own piety toward the god, and left it as a deposit for future generations, showing what type of woman we demand that she shall be who is to be given in<sup>d</sup> marriage to the god, and is to perform the sacrifices. For this reason they set it up in the most ancient 79 and most sacred sanctuary of Dionysus in Limnae,<sup>d</sup> in order that few only might have knowledge of the inscription; for once only in each year is the sanctuary opened, on the twelfth day of the month. Topographers differ widely as to its location. It was doubtless originally a swamp (λίμνη).

## DEMOSTHENES

77 ὑπὲρ τοίνυν ἀγίων καὶ σεμνῶν ἱερῶν, ὧν οἱ πρόγονοι ὑμῶν οὕτω καλῶς καὶ μεγαλοπρεπῶς ἐπεμελήθησαν, ἄξιον καὶ ὑμᾶς σπουδάσαι, ὧ ἄνδρες Ἀθηναῖοι, καὶ τοὺς ἀσελγῶς μὲν καταφρονοῦντας τῶν νόμων τῶν ὑμετέρων, ἀναιδῶς δ' ἠσεβηκότας εἰς τοὺς θεοὺς, ἄξιον τιμωρήσασθαι δυοῖν ἕνεκα, ἵνα οὗτοί τε τῶν ἡδικημένων δίκην δῶσιν, οἳ τ' ἄλλοι πρόνοιαν ποιῶνται καὶ φοβῶνται μηδὲν εἰς τοὺς θεοὺς καὶ τὴν πόλιν ἀμαρτάνειν.

78 Βούλομαι δ' ὑμῖν καὶ τὸν ἱεροκῆρυκα καλέσαι, ὃς ὑπηρετεῖ τῇ τοῦ βασιλέως γυναικί, ὅταν ἐξορκοῖ τὰς γεραρὰς ἐν κανοῖς πρὸς τῷ βωμῷ, πρὶν ἄπτεσθαι τῶν ἱερῶν, ἵνα καὶ τοῦ ὄρκου καὶ τῶν λεγομένων ἀκούσητε, ὅσα οἷόν τ' ἐστὶν ἀκούειν, καὶ εἰδῆτε ὡς σεμνὰ καὶ ἅγια καὶ ἀρχαῖα τὰ νόμιμά ἐστιν.

### ΟΡΚΟΣ ΓΕΡΑΡΩΝ

Ἀγιστεύω καὶ εἰμι καθαρὰ καὶ ἀγνή ἀπό τε τῶν ἄλλων τῶν οὐ καθαρωνόντων καὶ ἀπ' ἀνδρὸς συνουσίας, καὶ τὰ θεοῖνια καὶ τὰ ἰοβάκχεια γεραρῷ τῷ Διονύσῳ κατὰ τὰ πάτρια καὶ ἐν τοῖς καθήκουσι χρόνοις.

Τοῦ μὲν ὄρκου τοίνυν καὶ τῶν νομιζομένων πατρῴων, ὅσα οἷόν τ' ἐστὶν εἰπεῖν, ἀκηκόατε, καὶ ὡς ἦν Στέφανος ἠγγύησε τῷ Θεογένει γυναιῖκα βα-

(<sup>a</sup> Anthesterion corresponds to the latter half of February and the prior half of March. It was in this month that the Feast of Flowers (τὰ Ἀνθεστήρια) was celebrated in honour of Dionysus.

(<sup>b</sup> The baskets contained the salt meal which was sprinkled upon the heads of the victims.

Anthesterion.<sup>a</sup> These sacred and holy rites for 77  
 the celebration of which your ancestors provided  
 so well and so magnificently, it is your duty, men  
 of Athens, to maintain with devotion, and likewise  
 to punish those who insolently defy your laws and  
 have been guilty of shameless impiety toward the  
 gods; and this for two reasons: first, that they  
 may pay the penalty for their crimes; and, secondly,  
 that others may take warning, and may fear to  
 commit any sin against the gods and against the  
 state.

I wish now to call before you the sacred herald 78  
 who waits upon the wife of the king, when she  
 administers the oath to the venerable priestesses  
 as they carry their baskets<sup>b</sup> in front of the altar  
 before they touch the victims, in order that you  
 may hear the oath and the words that are pro-  
 nounced, at least as far as it is permitted you to  
 hear them; and that you may understand how  
 august and holy and ancient the rites are.

#### THE OATH OF THE VENERABLE PRIESTESSES

I live a holy life and am pure and unstained by all else  
 that pollutes and by commerce with man, and I will celebrate  
 the feast of the wine god and the Iobacchic feast<sup>c</sup> in honour  
 of Dionysus in accordance with custom and at the appointed  
 times.

You have heard the oath and the accepted rites 79  
 handed down by our fathers, as far as it is permitted  
 to speak of them, and how this woman, whom  
 Stephanus betrothed to Theogenes when the latter

<sup>c</sup> These festivals derived their names from epithets  
 applied to the God, and belonged to the ancient worship of  
 Dionysus.

## DEMOSTHENES

[1372] σιλεύοντι ὡς αὐτοῦ οὔσαν θυγατέρα, αὕτη ἐποίει τὰ ἱερὰ ταῦτα καὶ ἐξώρκου τὰς γεραράς, καὶ ὅτι οὐδ' αὐταῖς ταῖς ὁρώσαις τὰ ἱερὰ ταῦτα οἶόν τ' ἐστὶ λέγειν πρὸς ἄλλον οὐδένα. φέρε δὴ καὶ μαρτυρίαν παράσχωμαι ὑμῖν, δι' ἀπορρήτου μὲν γεγεννημένην, ὅμως δὲ αὐτοῖς τοῖς πεπραγμένοις ἐπιδείξω φανεράν οὔσαν αὐτὴν καὶ ἀληθῆ.

80 Ὡς γὰρ ἐγένετο τὰ ἱερὰ ταῦτα καὶ ἀνέβησαν εἰς Ἄρειον πάγον οἱ ἐννέα ἄρχοντες ταῖς καθηκούσαις ἡμέραις, εὐθὺς ἢ βουλή ἢ ἐν Ἄρειῳ πάγῳ, ὥσπερ καὶ τᾶλλα πολλοῦ ἀξία ἐστὶ τῇ πόλει περὶ εὐσέβειαν, ἐζήτει τὴν γυναῖκα ταύτην τοῦ Θεογένους ἣτις ἦν, καὶ ἐξήλεγχε, καὶ περὶ τῶν ἱερῶν πρόνοιαν ἐποιεῖτο, καὶ ἐζημίῳ τὸν Θεογένην ὅσα κυρία ἐστίν, ἐν ἀπορρήτῳ δὲ καὶ διὰ κοσμιότητος· οὐ γὰρ αὐτοκράτορές εἰσιν, ὡς ἂν βούλωνται, Ἀθηναίων

81 τινὰ κολάσαι. γενομένων δὲ λόγων, καὶ χαλεπῶς φερούσης τῆς ἐν Ἄρειῳ πάγῳ βουλῆς καὶ ζημιούσης τὸν Θεογένην, ὅτι τοιαύτην ἔλαβε γυναῖκα καὶ ταύτην εἴασε ποιῆσαι τὰ ἱερὰ τὰ ἄρρητα ὑπὲρ τῆς πόλεως, ἐδεῖτο ὁ Θεογένης ἰκετεύων καὶ ἀντιβολῶν, λέγων ὅτι οὐκ ἤδει Νεαίρας αὐτὴν οὔσαν θυγατέρα, ἀλλ' ἐξαπατηθεῖη ὑπὸ Στεφάνου, ὡς αὐτοῦ θυγατέρα οὔσαν αὐτὴν λαμβάνων γνησίαν κατὰ τὸν νόμον, καὶ διὰ τὴν ἀπειρίαν τῶν πραγμάτων καὶ τὴν ἀκακίαν τὴν ἑαυτοῦ τοῦτον πάρεδρον ποιήσαιο, ἵνα διοικήσῃ τὴν ἀρχήν, ὡς εὖνουν ὄντα, καὶ διὰ

was king, as his own daughter, performed these rites, and administered the oath to the venerable priestesses; and you know that even the women who behold these rites are not permitted to speak of them to anyone else. Let me now bring before you a piece of evidence which was, to be sure, given in secret, but which I shall show by the facts themselves to be clear and true.

When these rites had been solemnized and the 80 nine archons had gone up on the Areopagus on the appointed days, the council of the Areopagus, which in other matters also is of high worth to the city in what pertains to piety, forthwith undertook an inquiry as to who this wife of Theogenes was and established the truth; and being deeply concerned for the sanctity of the rites, the council was for imposing upon Theogenes the highest fine in its power, but in secret and with due regard for appearances; for they have not the power to punish any of the Athenians as they see fit. Con- 81 ferences were held, and, seeing that the council of the Areopagus was deeply incensed and was disposed to fine Theogenes for having married a wife of such character and having permitted her to administer on the city's behalf the rites that none may name, Theogenes besought them with prayers and entreaties, declaring that he did not know that she was the daughter of Neaera, but that he had been deceived by Stephanus, and had married her according to law as being the latter's legitimate daughter; and that it was because of his own inexperience in affairs and the guilelessness of his character that he had made Stephanus his assessor to attend to the business of his office; for he con-

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- 82 τοῦτο κηδεύσειεν αὐτῶ. “ὅτι δέ,” ἔφη, “οὐ ψεύδομαι, μεγάλῳ τεκμηρίῳ καὶ περιφανεῖ ἐπιδείξω ὑμῖν· τὴν γὰρ ἄνθρωπον ἀποπέμψω ἐκ τῆς οἰκίας, ἐπειδὴ οὐκ ἔστι Στεφάνου θυγάτηρ, ἀλλὰ
- [1373] Νεαίρας. κἂν μὲν ταῦτα ποιήσω, ἤδη πιστοὶ ὑμῖν ἔστωσαν οἱ λόγοι οἱ παρ’ ἐμοῦ λεγόμενοι, ὅτι ἐξηπατήθην· ἐὰν δὲ μὴ ποιήσω, τότε ἤδη με κολάζετε ὡς πονηρὸν ὄντα καὶ εἰς τοὺς θεοὺς
- 83 ἠσεβηκότα.” ὑποσχομένου δὲ ταῦτα τοῦ Θεογένους καὶ δεομένου, ἅμα μὲν καὶ ἐλεήσασα αὐτὸν ἢ ἐν Ἀρείῳ πάγῳ βουλὴ διὰ τὴν ἀκακίαν τοῦ τρόπου, ἅμα δὲ καὶ ἐξηπατήσθαι τῇ ἀληθείᾳ ἡγουμένη ὑπὸ τοῦ Στεφάνου, ἐπέσχευ. ὡς δὲ κατέβη ἐξ Ἀρείου πάγου ὁ Θεογένης, εὐθὺς τὴν τε ἄνθρωπον τὴν ταυτησὶ Νεαίρας θυγατέρα ἐκβάλλει ἐκ τῆς οἰκίας, τὸν τε Στέφανον τὸν ἐξαπατήσαντα αὐτὸν τουτονὶ ἀπελαύνει ἀπὸ τοῦ συνεδρίου, καὶ οὕτως ἐπαύσαντο οἱ Ἀρεοπαγῖται κρίνοντες τὸν Θεογένην καὶ ὀργιζόμενοι αὐτῶ, καὶ συγγνώμην εἶχον ἐξαπατηθέντι.
- 84 Καὶ ὅτι ταῦτ’ ἀληθῆ λέγω, τούτων ὑμῖν μάρτυρα αὐτὸν τὸν Θεογένην καλῶ, καὶ ἀναγκάσω μαρτυρεῖν.

Κάλει μοι Θεογένην Ἐρχιέα.

### ΜΑΡΤΥΡΙΑ

Θεογένης Ἐρχιεὺς μαρτυρεῖ, ὅτε αὐτὸς ἐβασίλευε, γῆμαι Φανὸ ὡς Στεφάνου οἶσαν θυγατέρα, ἐπεὶ δὲ ἦσθετο ἐξηπατημένος, τὴν τε ἄνθρωπον ἐκβαλεῖν καὶ οὐκέτι συν-



sidered him a friend, and on that account had become his son-in-law. "And," he said, "I will 82 show you by a convincing and manifest proof that I am telling the truth. I will send the woman away from my house, since she is the daughter, not of Stephanus, but of Neaera. If I do this, then let my statement that I was deceived be accepted as true; but, if I fail to do it, then punish me as a vile fellow who is guilty of impiety toward the gods." When Theogenes had made this promise and this 83 plea, the council of the Areopagus, through compassion also for the guilelessness of his character and in the belief that he had really been deceived by Stephanus, refrained from action. And Theogenes immediately on coming down from the Areopagus cast out of his house the woman, the daughter of this Neaera, and expelled this man Stephanus, who had deceived him, from the board of magistrates. Thus it was that the members of the Areopagus desisted from their action against Theogenes and from their anger against him; for they forgave him, because he had been deceived.

To prove the truth of these statements of mine, I 84 will call before you as witness to these facts Theogenes himself, and will compel him to testify.

(*To the clerk.*) Call, please, Theogenes of Erchia.<sup>a</sup>

#### THE DEPOSITION

Theogenes of Erchia deposes that when he was king he married Phano, believing her to be the daughter of Stephanus, and that, when he found he had been deceived, he cast the woman away and ceased to live with her, and

<sup>a</sup> Erchia, a deme of the tribe Aegēis; but see note *a* on p. 404.

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οικεῖν αὐτῇ, καὶ Στέφανον ἀπελάσαι ἀπὸ τῆς παρεδρίας καὶ οὐκ ἔαν ἔτι παρεδρεύειν αὐτῷ.

- 85 Λαβὲ δὴ μοι τὸν νόμον ἐπὶ τούτοις τουτουὶ καὶ ἀνάγνωθι, ἵν' εἰδῆτε ὅτι οὐ μόνον προσῆκεν αὐτὴν ἀπέχεσθαι τῶν ἱερῶν τούτων τοιαύτην οὖσαν καὶ τοιαῦτα διαπεπραγμένην, τοῦ ὄρᾱν καὶ θύειν καὶ ποιεῖν τι τῶν νομιζομένων ὑπὲρ τῆς πόλεως πατρίων, ἀλλὰ καὶ τῶν ἄλλων τῶν Ἀθήνησιν [1374] ἀπάντων. ἐφ' ἣ γὰρ ἂν μοιχὸς ἀλῶ γυναικί, οὐκ ἔξεστιν αὐτῇ ἐλθεῖν εἰς οὐδὲν τῶν ἱερῶν τῶν δημοτελῶν, εἰς ἃ καὶ τὴν ξένην καὶ τὴν δούλην ἐλθεῖν ἐξουσίαν ἔδοσαν οἱ νόμοι καὶ θεασομένην 86 καὶ ἱκετεύουσαν εἰσιέναι· ἀλλὰ μόναίς ταύταις ἀπαγορεύουσιν οἱ νόμοι ταῖς γυναιξὶ μὴ εἰσιέναι εἰς τὰ ἱερά τὰ δημοτελεῖ, ἐφ' ἣ ἂν μοιχὸς ἀλῶ, ἔαν δ' εἰσίσωσι καὶ παρανομῶσι, νηποινεὶ πάσχειν ὑπὸ τοῦ βουλομένου ὅ τι ἂν πάσχη, πλὴν θανάτου, καὶ ἔδωκεν ὁ νόμος τὴν τιμωρίαν ὑπὲρ αὐτῶν τῷ ἐντυχόντι. διὰ τοῦτο δ' ἐποίησεν ὁ νόμος πλὴν θανάτου τἄλλα ὑβρισθεῖσαν αὐτὴν μηδαμοῦ λαβεῖν δίκην, ἵνα μὴ μιάσματα μηδ' ἀσεβήματα γίγνηται ἐν τοῖς ἱεροῖς, ἱκανὸν φόβον ταῖς γυναιξὶ παρασκευάζων τοῦ σωφρονεῖν καὶ μηδὲν ἀμαρτάνειν, ἀλλὰ δικαίως οἰκουρεῖν, διδάσκων ὡς, ἂν τι ἀμάρτη τοιοῦτον,

that he expelled Stephanus from his post of assessor, and no longer allowed him to serve in that capacity.

(*To the clerk.*) Now take, please, the law bearing 85 upon these matters, and read it; (*to the jury*) for I would have you know that a woman of her character, who has done what she has done, ought not only to have kept aloof from these sacred rites, to have abstained from beholding them, from offering sacrifices, and from performing on the city's behalf any of the ancestral rites which usage demands, but that she should have been excluded also from all other religious ceremonials in Athens. For a woman who has been taken in adultery is not permitted to attend any of the public sacrifices, although the laws have given both to the alien woman and the slave the right to attend these, whether to view the spectacle or to offer prayer. No; it is to these 86 women alone that the law denies entrance to our public sacrifices, to these, I mean, who have been taken in adultery; and if they do attend them and defy the law, any person whatsoever may at will inflict upon them any sort of punishment, save only death, and that with impunity; and the law has given the right of punishing these women to any person who happens to meet with them. It is for this reason that the law has declared that such a woman may suffer any outrage short of death without the right of seeking redress before any tribunal whatsoever, that our sanctuaries may be kept free from all pollution and profanation, and that our women may be inspired with a fear sufficient to make them live soberly, and avoid all vice, and, as their duty is, to keep to their household tasks. For it teaches them that, if a woman is guilty of any

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ἄμα ἔκ τε τῆς οἰκίας τοῦ ἀνδρὸς ἐκβεβλημένη ἔσται  
καὶ ἔκ τῶν ἱερῶν τῶν τῆς πόλεως.

87 Καὶ ὅτι ταῦθ' οὕτως ἔχει, τοῦ νόμου αὐτοῦ  
ἀκούσαντες ἀναγνωσθέντος εἴσεσθε.

Καί μοι λαβέ.

### ΝΟΜΟΣ ΜΟΙΧΕΙΑΣ

Ἐπειδὴν δὲ ἔλῃ τὸν μοιχόν, μὴ ἐξέστω τῷ ἐλόντι  
συνοικεῖν τῇ γυναικί· ἐὰν δὲ συνοικῇ, ἄτιμος ἔστω. μηδὲ  
τῇ γυναικὶ ἐξέστω εἰστέναι εἰς τὰ ἱερὰ τὰ δημοτελεῖ, ἐφ'  
ᾧ ἂν μοιχὸς ἀλώῃ· ἐὰν δ' εἰσίῃ, νηποινεὶ πασχέτω ὅ τι  
ἂν πάσχη, πλὴν θανάτου.

88 Βούλομαι τοίνυν ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, καὶ  
τοῦ δήμου τοῦ Ἀθηναίων μαρτυρίαν παρασχέσθαι,  
ὡς σπουδάζει περὶ τὰ ἱερὰ ταῦτα καὶ ὡς πολλὴν  
πρόνοιαν περὶ αὐτῶν πεποιήται. ὁ γὰρ δῆμος ὁ  
[1375] Ἀθηναίων κυριώτατος ὢν τῶν ἐν τῇ πόλει ἀπάντων,  
καὶ ἐξὸν αὐτῷ ποιεῖν ὅ τι ἂν βούληται, οὕτω καλὸν  
καὶ σεμνὸν ἠγήσατ' εἶναι δῶρον τὸ Ἀθηναίων  
γενέσθαι, ὥστε νόμους ἔθετο αὐτῷ, καθ' οὓς  
ποιεῖσθαι δεῖ, ἐὰν τινα βούλωνται, πολίτην, οἱ νῦν  
προπεπηλακισμένοι εἰσὶν ὑπὸ Στεφάνου τουτουῖ  
89 καὶ τῶν οὕτω γεγαμηκότων. ὅμως δ' ἀκούσαντες  
αὐτῶν βελτίους ἔσεσθε, καὶ τὰ κάλλιστα καὶ τὰ  
σεμνότατα δῶρα τοῖς εὐεργετοῦσι τὴν πόλιν διδόμενα  
γνώσεσθε ὡς λελυμασμένοι εἰσίν.

Πρῶτον μὲν γὰρ νόμος ἐστὶ τῷ δήμῳ κείμενος,  
μὴ ἐξεῖναι ποιήσασθαι Ἀθηναῖον, ὃν ἂν μὴ δι'  
ἀνδραγαθίαν εἰς τὸν δῆμον τὸν Ἀθηναίων ἄξιον ᾗ

## AGAINST NEAERA, 86-89

such sin, she will be an outcast from her husband's home and from the sanctuaries of the city.

That this is so, you will see clearly, when you 87 have heard the law read.

(*To the clerk.*) Take it please.

### THE LAW REGARDING ADULTERY

When he has caught the adulterer, it shall not be lawful for the one who has caught him to continue living with his wife, and if he does so, he shall lose his civic rights; and it shall not be lawful for the woman who is taken in adultery to attend public sacrifices; and if she does attend them, she may be made to suffer any punishment whatsoever, short of death, and that with impunity.

I wish now, men of Athens, to bring before you 88 the testimony also of the Athenian civic body, to show you how great care they take in regard to these religious rites. For the civic body of Athens, although it has supreme authority over all things in the state, and it is in its power to do whatsoever it pleases, yet regarded the gift of Athenian citizenship as so honourable and so sacred a thing that it enacted in its own restraint laws to which it must conform, when it wishes to create a citizen—laws which now have been dragged through the mire by Stephanus and those who contract marriages of this sort. However, you will be the better for 89 hearing them, and you will know that these people have debased the most honourable and the most sacred gifts, which are granted to the benefactors of the state.

In the first place, there is a law imposed upon the people forbidding them to bestow Athenian citizenship upon any man who does not deserve it because of distinguished services to the Athenian

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γενέσθαι πολίτην. ἔπειτ' ἐπειδὰν πεισθῆ ὁ δῆμος καὶ δῶ τὴν δωρειάν, οὐκ ἔα κυρίαν γενέσθαι τὴν ποίησιν, εἰ μὴ τῇ ψήφῳ εἰς τὴν ἐπιούσαν ἐκκλησίαν ὑπερεξακισχίλιοι Ἀθηναίων ψηφίσωνται  
 90 κρύβδην ψηφίζόμενοι. τοὺς δὲ πρυτάνεις κελεύει τιθέναι τοὺς καδίσκους ὁ νόμος καὶ τὴν ψῆφον διδόναι προσιόντι τῷ δήμῳ, πρὶν τοὺς ξένους εἰσιέναι καὶ τὰ γέρρα ἀναιρεῖν, ἵνα κύριος ὢν αὐτὸς αὐτοῦ ἕκαστος σκοπῆται πρὸς αὐτὸν ὄντινα μέλλει πολίτην ποιήσεσθαι, εἰ ἄξιός ἐστι τῆς δωρειᾶς ὁ μέλλων λήψεσθαι. ἔπειτα μετὰ ταῦτα παρανόμων γραφὴν ἐποίησε κατ' αὐτοῦ τῷ βουλομένῳ Ἀθηναίων, καὶ ἔστιν εἰσελθόντα εἰς τὸ δικαστήριον ἐξελέγξαι, ὡς οὐκ ἄξιός ἐστι τῆς δωρειᾶς, ἀλλὰ  
 91 παρὰ τοὺς νόμους Ἀθηναῖος γέγονεν. καὶ ἤδη τισὶ τοῦ δήμου δόντος τὴν δωρειάν, λόγῳ ἐξ-  
 [1376] απατηθέντος ὑπὸ τῶν αἰτούντων, παρανόμων γραφῆς γενομένης καὶ εἰσελεύσεως εἰς τὸ δικαστήριον, ἐξελεγχθῆναι συνέβη τὸν εἰληφότα τὴν δωρειάν μὴ ἄξιον εἶναι αὐτῆς, καὶ ἀφείλετο τὸ δικαστήριον. καὶ τοὺς μὲν πολλοὺς καὶ παλαιοὺς ἔργον διηγῆσασθαι· ἃ δὲ πάντες μνημονεύετε, Πειθόλαν τε τὸν Θετταλὸν καὶ Ἀπολλωνίδην τὸν Ὀλύνθιον πολίτας ὑπὸ τοῦ δήμου γενομένους ἀφείλετο τὸ δικαστήριον.  
 92 ταῦτα γὰρ οὐ πάλαι ἐστὶ γεγενημένα, ὥστε ἀγνοεῖν ὑμᾶς.

Οὕτω τοίνυν καλῶς καὶ ἰσχυρῶς τῶν νόμων

<sup>a</sup> See note *a* on p. 354 of this volume.

<sup>b</sup> Movable barriers separated the spectators from the voting members of the assembly.

people. In the next place, when the civic body has been thus convinced and bestows the gift, it does not permit the adoption to become valid, unless in the next ensuing assembly more than six thousand Athenians confirm it by a secret ballot. And the law requires the presidents<sup>a</sup> to set out the ballot-boxes and to give the ballots to the people as they come up before the non-citizens have come in and the barriers<sup>b</sup> have been removed, in order that every one of the citizens, being absolutely free from interference, may form his own judgement regarding the one whom he is about to make a citizen, whether the one about to be so adopted is worthy of the gift. Furthermore, after this the law permits to any Athenian who wishes to prefer it an indictment for illegality against the candidate, and he may come into court and prove that the person in question is not worthy of the gift, but has been made a citizen contrary to the laws. And there have been cases ere now when, after the people had bestowed the gift, deceived by the arguments of those who requested it, and an indictment for illegality had been preferred and brought into court, the result was that the person who had received the gift was proved to be unworthy of it, and the court took it back. To review the many cases in ancient times would be a long task; I will mention only those which you all remember: Peitholas the Thessalian, and Apollonides the Olynthian, after having been made citizens by the people, were deprived of the gift by the court. These are not events of long ago of which you might be ignorant.

However, although the laws regarding citizenship

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κειμένων ὑπὲρ τῆς πολιτείας, δι' ὧν δεῖ Ἀθηναῖον γενέσθαι, ἕτερός ἐστιν ἐφ' ἅπασιν τούτοις κυριώτατος νόμος κείμενος· οὕτω πολλὴν ὁ δῆμος πρόνοιαν ἐποιεῖτο ὑπὲρ αὐτοῦ καὶ τῶν θεῶν, ὥστε δι' εὐσεβείας τὰ ἱερὰ θύεσθαι ὑπὲρ τῆς πόλεως. ὅσους γὰρ ἂν ποιήσῃται ὁ δῆμος ὁ Ἀθηναίων πολίτας, ὁ νόμος ἀπαγορεύει διαρρήδην μὴ ἐξεῖναι αὐτοῖς τῶν ἐννέα ἀρχόντων γενέσθαι, μηδὲ ἱερωσύνης μηδεμιᾶς μετασχεῖν· τοῖς δ' ἐκ τούτων μετέδωκεν ἤδη ὁ δῆμος ἀπάντων, καὶ προσέθηκεν, ἐὰν ὦσιν ἐκ γυναικὸς ἀστῆς καὶ ἐγγυητῆς κατὰ τὸν νόμον.

93 Καὶ ὅτι ταῦτ' ἀληθῆ λέγω, μεγάλη καὶ περιφανεὴ μαρτυρία ἐγὼ ὑμῖν δηλώσω. βούλομαι δ' ὑμῖν τὸν νόμον πόρρωθεν προδιηγῆσασθαι, ὡς ἐτέθη καὶ πρὸς οὓς διωρίσθη ὡς ἄνδρας ἀγαθοὺς ὄντας καὶ βεβαίους φίλους περὶ τὸν δῆμον γεγονότας. ἐκ τούτων γὰρ ἀπάντων εἴσεσθε τὴν τε τοῦ δήμου [1377] δωρεῖαν τὴν ἀπόθετον τοῖς εὐεργέταις προπηλακίζομένην, καὶ ὅσων ὑμᾶς ἀγαθῶν κωλύουσι κυρίου εἶναι Στέφανός τε οὕτωσιν καὶ οἱ τὸν αὐτὸν τρόπον τούτῳ γεγαμηκότες καὶ παιδοποιούμενοι.

94 Πλαταιῆς γάρ, ὧ ἄνδρες Ἀθηναῖοι, μόνοι τῶν Ἑλλήνων ὑμῖν ἐβοήθησαν Μαραθῶνάδε, ὅτε Δᾶτις ὁ βασιλέως Δαρείου στρατηγὸς ἀναχωρῶν ἐξ Ἐρετρίας, Εὐβοίαν ὑφ' ἑαυτῷ ποιησάμενος, ἀπέβη

<sup>a</sup> This was in 490 B.C.

<sup>b</sup> A town in Euboea across the strait from Attica.



and the steps that must be taken before one may become an Athenian are so admirably and so securely established, there is yet another law which has been enacted in addition to all these, and this law is of paramount validity ; such great precautions have the people taken in the interest of themselves and of the gods, to the end that the sacrifices on the state's behalf may be offered in conformity with religious usage. For in the case of all those whom the Athenian people may make citizens, the law expressly forbids that they should be eligible to the office of the nine archons or to hold any priesthood ; but their descendants are allowed by the people to share in all civic rights, though the proviso is added : if they are born from an Athenian woman who was betrothed according to the law.

That these statements of mine are true, I will <sup>93</sup> prove to you by the clearest and most convincing testimony ; but I wish first to go back to the origins of the law and to show how it came to be enacted and who those were whom its provisions covered as being men of worth who had shown themselves staunch friends to the people of Athens. For from all this you will know that the people's gift which is reserved for benefactors is being dragged through the mire, and how great the privileges are which are being taken from your control by this fellow Stephanus and those who have married and begotten children in the manner followed by him.

The Plataeans, men of Athens, alone among the <sup>94</sup> Greeks came to your aid at Marathon <sup>a</sup> when Datis, the general of King Darius, on his return from Eretria <sup>b</sup> after subjugating Euboea, landed on our

εἰς τὴν χώραν πολλῇ δυνάμει καὶ ἐπόρθει. καὶ ἔτι καὶ νῦν τῆς ἀνδραγαθίας αὐτῶν ὑπομνήματα ἢ ἐν τῇ ποικίλῃ στοᾶ γραφῇ δεδήλωκεν· ὡς ἕκαστος γὰρ τάχους εἶχεν, εὐθὺς προσβοηθῶν γέγραπται, 95 οἱ τὰς κυνᾶς τὰς Βοιωτίας ἔχοντες. πάλιν δὲ Ξέρξου ἰόντος ἐπὶ τὴν Ἑλλάδα, Θηβαίων μηδισάντων, οὐκ ἐτόλμησαν ἀποστῆναι τῆς ὑμετέρας φιλίας, ἀλλὰ μόνοι τῶν ἄλλων Βοιωτῶν οἱ μὲν ἡμίσεις αὐτῶν μετὰ Λακεδαιμονίων καὶ Λεωνίδου ἐν Θερμοπύλαις παραταξάμενοι τῷ βαρβάρῳ ἐπίοντι συναπώλοντο, οἱ δὲ λοιποὶ ἐμβάντες εἰς τὰς ὑμετέρας τριήρεις, ἐπειδὴ αὐτοῖς οἰκεία σκάφη οὐχ ὑπῆρχε, συνεναυμάχουν ὑμῖν ἐπὶ τε Ἀρτεμισίῳ 96 καὶ ἐν Σαλαμῖνι. καὶ τὴν τελευταίαν μάχην Πλαταιᾶσι Μαρδονίῳ τῷ βασιλέως στρατηγῷ μεθ' ὑμῶν καὶ τῶν συνελευθερούντων τὴν Ἑλλάδα μαχεσάμενοι, εἰς κοινὸν τὴν ἐλευθερίαν τοῖς ἄλλοις Ἑλλησι κατέθηκαν. ἐπεὶ δὲ Πausanίας ὁ Λακεδαιμονίων βασιλεὺς ὑβρίζειν ἐνεχείρει ὑμᾶς, καὶ οὐκ ἠγάπα ὅτι τῆς ἡγεμονίας<sup>1</sup> ἠξιώθησαν Λακεδαιμόνιοι ὑπὸ τῶν Ἑλλήνων, καὶ ἡ πόλις τῇ μὲν ἀληθείᾳ ἠγείτο τῆς ἐλευθερίας τοῖς Ἑλλησι, τῇ [1378] δὲ φιλοτιμίᾳ οὐκ ἠναντιοῦτο τοῖς Λακεδαιμονίοις, 97 ἵνα μὴ φθονηθῶσιν ὑπὸ τῶν συμμάχων· ἐφ' οἷς φυσηθεὶς Πausanίας ὁ τῶν Λακεδαιμονίων βασιλεὺς ἐπέγραψεν ἐπὶ τὸν τρίποδα τὸν ἐν Δελφοῖς, ὃν οἱ Ἑλληνες οἱ συμμαχεσάμενοι τὴν Πλαταιᾶσι μάχην καὶ τὴν ἐν Σαλαμῖνι ναυμαχίαν ναυμαχῆ-

<sup>1</sup> μόνοι, which the mss. insert after ἡγεμονίας, was rejected by Blass.

<sup>a</sup> See note *a* on p. 188 of vol. ii.

<sup>b</sup> Artemisium, the northernmost promontory of Euboea.

coast with a large force and proceeded to ravage the country. And even to this day the picture in the Painted Stoa <sup>a</sup> exhibits the memorial of their valour; for each man is portrayed hastening to your aid with all speed—they are the band wearing Boeotian caps. And again, when Xerxes came <sup>95</sup> against Greece and the Thebans went over to the side of the Medes, the Plataeans refused to withdraw from their alliance with us, but, unsupported by any others of the Boeotians, half of them arrayed themselves in Thermopylae against the advancing barbarian together with the Lacedaemonians and Leonidas, and perished with them; and the remainder embarked on your triremes, since they had no ships of their own, and fought along with you in the naval battles at Artemisium <sup>b</sup> and at Salamis. And they fought together with you and <sup>96</sup> the others who were seeking to save the freedom of Greece in the final battle at Plataea against Mardonius, the King's general, and deposited the liberty thus secured as a common prize for all the Greeks. And when Pausanias, the king of the Lacedaemonians, sought to put an insult upon you, and was not content that the Lacedaemonians had been honoured by the Greeks with the supreme command, and when your city, which in reality had been the leader in securing liberty for the Greeks, forbore to strive with the Lacedaemonians as rivals for the honour through fear of arousing jealousy among the allies; Pausanias, the king of <sup>97</sup> the Lacedaemonians, puffed up by this, inscribed a distich upon the tripod at Delphi, which the Greeks who had jointly fought in the battle at Plataea and in the sea-fight at Salamis had made in common

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σαντες κοινῇ ποιησάμενοι ἀνέθηκαν ἀριστεῖον τῷ  
Ἀπόλλωνι ἀπὸ τῶν βαρβάρων,

Ἑλλήνων ἀρχηγός, ἐπεὶ στρατὸν ὤλεσε Μήδων,  
Παυσανίας Φοίβῳ μνήμ' ἀνέθηκε τόδε,

ὡς αὐτοῦ τοῦ τε ἔργου ὄντος καὶ τοῦ ἀναθήματος,  
98 ἀλλ' οὐ κοινοῦ τῶν συμμάχων· ὀργισθέντων δὲ τῶν  
Ἑλλήνων, οἱ Πλαταιεῖς λαγχάνουσι δίκην τοῖς  
Λακεδαιμονίοις εἰς τοὺς Ἀμφικτύονας χιλίων  
ταλάντων ὑπὲρ τῶν συμμάχων, καὶ ἠνάγκασαν  
αὐτοὺς ἐκκολάψαντας τὰ ἐλεγεία ἐπιγράψαι τὰς  
πόλεις τὰς κοινωνούσας τοῦ ἔργου. διόπερ αὐτοῖς  
οὐχ ἦκιστα παρηκολούθει ἢ ἔχθρα ἢ παρὰ Λακε-  
δαιμονίων καὶ ἐκ τοῦ γένους τοῦ βασιλείου.

Καὶ ἐν μὲν τῷ παρόντι οὐκ εἶχον αὐτοῖς ὃ τι  
χρήσωνται οἱ Λακεδαιμόνιοι, ὕστερον δὲ ὡς πεντή-  
κοντα ἔτεσιν Ἀρχίδαμος ὁ Ζευξιδάμου Λακεδαι-  
μονίων βασιλεὺς εἰρήνης οὔσης ἐνεχείρησεν αὐτῶν  
99 καταλαβεῖν τὴν πόλιν. ἔπραξε δὲ ταῦτ' ἐκ Θηβῶν  
δι' Εὐρυμάχου τοῦ Λεοντιάδου βοιωταρχοῦντος,  
ἀνοιξάντων τὰς πύλας τῆς νυκτὸς Ναυκλείδου καὶ  
ἄλλων τινῶν μετ' αὐτοῦ, πεισθέντων χρήμασιν.  
αἰσθόμενοι δ' οἱ Πλαταιεῖς ἔνδον ὄντας τοὺς

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<sup>a</sup> This distich, said by Pausanias, iii. 8. 1, to be the work of Simonides, is quoted also in Thucydides, i. 132. According to Herodotus (ix. 81. 4) the monument in question was a golden tripod, set upon a three-headed serpent of bronze. The gold tripod was carried off by the Phocians in the Sacred War (Paus. x. 13. 6), and the supporting pillar, three intertwined serpents of bronze, was taken away by Constantine and set up in the Hippodrome of his new capital at Byzantium (Gibbon, *Decline and Fall*, Chap. 17, 426

from the spoils taken from the barbarians, and had set up in honour of Apollo as a memorial of their valour. The distich<sup>a</sup> was as follows :

Pausanias, supreme commander of the Greeks, when he had destroyed the host of the Medes, dedicated to Phoebus this memorial.

He wrote thus, as if the achievement and the offering had been his own and not the common work of the allies ; and the Greeks were incensed<sup>98</sup> at this, and the Plataeans brought suit on behalf of the allies against the Lacedaemonians before the Amphictyons<sup>b</sup> for one thousand talents, and compelled them to erase the distich and to inscribe the names of all the states which had had a part in the work. This act more than any other drew upon the Plataeans the hatred of the Lacedaemonians and their royal house.

For the moment the Lacedaemonians had no means of dealing with them, but about fifty years later Archidamus, son of Zeuxidamus, king of the Lacedaemonians, undertook in time of peace to seize their city. He did this from Thebes, through<sup>99</sup> the agency of Eurymachus, the son of Leontiadas, the Boeotarch,<sup>c</sup> and the gates were opened at night by Naucleides and some accomplices of his, who had been won over by bribes. The Plataeans, discover-

note 48), where it was rediscovered in 1856. The names of the Greek states which took part in the war are inscribed on the coils of the serpents (see Hicks, *Greek Historical Inscriptions*, pp. 11-13 and Dittenberger, *Syllogê*, i. p. 31).

<sup>b</sup> These were the members of the council of Greek states meeting at Delphi.

<sup>c</sup> This title was given to the high officials at Thebes. The story of the attack on Plataea is told in detail in Thucydides ii. 2 ff. The date was 428 B.C.

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Θηβαίους τῆς νυκτὸς καὶ ἑξαπίνης αὐτῶν τὴν  
 πόλιν ἐν εἰρήνῃ κατειλημμένην, προσεβοήθουν καὶ  
 αὐτοὶ καὶ συνετάττοντο. καὶ ἐπειδὴ ἡμέρα ἐγένετο  
 καὶ εἶδον οὐ πολλοὺς ὄντας τοὺς Θηβαίους,  
 [1379] ἀλλὰ τοὺς πρώτους αὐτῶν εἰσεληλυθότας—ὔδωρ  
 γὰρ γενόμενον τῆς νυκτὸς πολὺ ἐκώλυσεν αὐτοὺς  
 πάντας εἰσελθεῖν· ὁ γὰρ Ἀσωπὸς ποταμὸς μέγας  
 ἔρρῦη καὶ διαβῆναι οὐ ράδιον ἦν, ἄλλως τε καὶ  
 100 νυκτός—ὡς οὖν εἶδον οἱ Πλαταιεῖς τοὺς Θηβαίους  
 ἐν τῇ πόλει καὶ ἔγνωσαν ὅτι οὐ πάντες πάρεισιν,  
 ἐπιτίθενται καὶ εἰς μάχην ἐλθόντες κρατοῦσι καὶ  
 φθάνουσι ἀπολέσαντες αὐτοὺς πρὶν τοὺς ἄλλους  
 προσβοηθῆσαι, καὶ ὡς ὑμᾶς πέμπουσιν εὐθύς  
 ἄγγελον τὴν τε πρᾶξιν φράσοντα καὶ τὴν μάχην  
 δηλώσοντα ὅτι νικῶσι, καὶ βοηθεῖν ἀξιοῦντες, ἂν  
 οἱ Θηβαῖοι τὴν χώραν αὐτῶν δηῶσι. ἀκούσαντες  
 δὲ οἱ Ἀθηναῖοι τὰ γεγονότα, διὰ τάχους ἐβοήθουν  
 εἰς τὰς Πλαταιάς· καὶ οἱ Θηβαῖοι ὡς ἐώρων τοὺς  
 Ἀθηναίους βεβοηθηκότας τοῖς Πλαταιεῦσιν, ἀν-  
 101 ἐχώρησαν ἐπ' οἴκου. ὡς οὖν ἀπέτυχον οἱ Θηβαῖοι  
 τῆς πείρας καὶ οἱ Πλαταιεῖς τοὺς ἄνδρας, οὓς  
 ἔλαβον αὐτῶν ἐν τῇ μάχῃ ζῶντας, ἀπέκτειναν,  
 ὀργισθέντες οἱ Λακεδαιμόνιοι ἀπροφασίστως ἤδη  
 στρατεύουσιν ἐπὶ τὰς Πλαταιάς, Πελοποννησίους  
 μὲν ἅπασι πλὴν Ἀργείων τὰ δύο μέρη τῆς στρατιᾶς  
 ἀπὸ τῶν πόλεων ἐκάστων πέμπειν ἐπιτάξαντες,  
 Βοιωτοῖς δὲ τοῖς ἄλλοις ἅπασι καὶ Λοκροῖς καὶ  
 Φωκεῦσι καὶ Μηλιεῦσι καὶ Οἰταίοις καὶ Αἰνιᾶσι  
 102 πανδημεὶ ἐπαγγείλαντες στρατεύειν. καὶ περι-  
 καθεζόμενοι αὐτῶν τὸ τεῖχος πολλῇ δυνάμει ἐπηγ-

\* All the states mentioned were in central Greece, and belonged to the Peloponnesian confederacy.

ing that the Thebans had got within the gates in the night and that their city had been suddenly seized in time of peace, ran to bear aid and arrayed themselves for battle. When day dawned, and they saw that the Thebans were few in number, and that only their first ranks had entered—a heavy rain which had fallen in the night prevented them from all getting in; for the river Asopus was flowing full and was not easy to cross especially in the night;—so, when the Plataeans saw the Thebans in the city and learned that their whole body was not there, they made an attack, overwhelmed them in battle, and destroyed them before the rest arrived to bear them further aid; and they at once sent a messenger to you, telling of what had been done and of their victory in the battle, and to ask for your help in case the Thebans should ravage their country. The Athenians, when they heard what had taken place, hastened to the aid of the Plataeans; and the Thebans, seeing that the Athenians had come to the Plataeans' aid, returned home. So, when the Thebans had failed in their attempt and the Plataeans had put to death those of their number whom they had taken alive in the battle, the Lacedaemonians, without waiting now for any pretext, marched against Plataea. They ordered all the Peloponnesians with the exception of the Argives to send two-thirds of their armies from their several cities, and they sent word to all the rest of the Boeotians and the Locrians and Phocians and Malians and Oetaeans and Aenians to take the field with their entire forces.<sup>a</sup> Then they invested the walls of Plataea with a large force, and made overtures to

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γέλλοντο, εἰ βούλοιντο τὴν μὲν πόλιν αὐτοῖς παραδοῦναι, τὴν δὲ χώραν ἔχειν καὶ καρποῦσθαι τὰ αὐτῶν, ἀφίστασθαι δὲ τῆς Ἀθηναίων συμμαχίας. οὐκ ἔβελησάντων δὲ τῶν Πλαταιέων,

[1380] ἀλλ' ἀποκριναμένων ὅτι ἄνευ Ἀθηναίων οὐδὲν ἂν πράξειαν, ἐπολιόρκουν αὐτοὺς διπλῶ τείχει περιτειχίσαντες δύο ἔτη, πολλὰς καὶ παντοδαπὰς  
 103 πείρας προσάγοντες. ἐπεὶ δ' ἀπειρήκεσαν οἱ Πλαταιεῖς καὶ ἐνδεεῖς ἦσαν ἀπάντων καὶ ἠποροῦντο τῆς σωτηρίας, διακληρωσάμενοι πρὸς σφᾶς αὐτοὺς οἱ μὲν ὑπομείναντες ἐπολιορκοῦντο, οἱ δὲ τηρήσαντες νύκτα καὶ ὕδωρ καὶ ἄνεμον πολύν, ἐξελθόντες ἐκ τῆς πόλεως καὶ ὑπερβάντες τὸ περιτείχισμα τῶν πολεμίων, λαθόντες τὴν στρατιάν, ἀποσφάξαντες τοὺς φύλακας διασώζονται δεῦρο, δεινῶς διακείμενοι καὶ ἀπροσδοκῆτως· οἱ δ' ὑπομείναντες αὐτῶν ἀλούσης τῆς πόλεως κατὰ κράτος ἀπεσφάγησαν πάντες οἱ ἠβῶντες, παῖδες δὲ καὶ γυναῖκες ἐξηνδραποδίσθησαν, ὅσοι μὴ αἰσθόμενοι ἐπιόντας τοὺς Λακεδαιμονίους ὑπεξῆλθον Ἀθήναζε.

104 Τοῖς οὖν οὕτω φανερώς ἐνδεδειγμένοις τὴν εὐνοίαν τῷ δήμῳ, καὶ προεμένοις ἅπαντα τὰ αὐτῶν καὶ παῖδας καὶ γυναῖκας, πάλιν σκοπεῖτε πῶς μετέδοτε τῆς πολιτείας. ἐκ γὰρ τῶν ψηφισμάτων τῶν ὑμετέρων καταφανῆς πᾶσιν ἔσται ὁ νόμος, καὶ γνώσεσθ' ὅτι ἀληθῆ λέγω.

Καὶ μοι λαβὲ τὸ ψήφισμα τοῦτο καὶ ἀνάγνωθι αὐτοῖς.

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<sup>a</sup> The account of the siege and fall of Plataea is given in Thucydides ii. 71-78, and iii. 20-24 and 52-68.



the Plataeans on terms that, if they would surrender their city to the Lacedaemonians, they should retain their land and enjoy their property, but that they should break off their alliance with the Athenians. The Plataeans refused this offer and made answer that they would do nothing without the Athenians, whereupon the Lacedaemonians besieged them for two years, built a double wall about their city, and made repeated assaults of every conceivable sort. When the Plataeans were quite worn out and were 103 in want of everything, and despaired of safety, they divided themselves by lot into two groups; some of them remained and endured the siege, but the others, waiting for a night when there was rain and a heavy wind, climbed over the wall of circumvallation, unseen of the enemy, cut down the sentinels, and got safely to Athens, but in a desperate plight and beyond all expectation. As for those who remained behind, when the city was taken by storm, all who had reached manhood were killed and the women and children were made slaves—all, that is, save those who, when they saw the Lacedaemonians advancing, got secretly away to Athens.<sup>a</sup>

Once more I would have you observe in what way 104 you granted the right to share citizenship with you to men who had thus signally manifested their good will toward your people, and who sacrificed all their possessions and their children and their wives. The decrees which you passed will make the law plain to everybody, and you will know that I am speaking the truth.

(*To the clerk.*) Take this decree, please, and read it to the jury.

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### ΨΗΦΙΣΜΑ ΠΕΡΙ ΠΛΑΤΑΙΕΩΝ

Ἴπποκράτης εἶπε, Πλαταιέας εἶναι Ἀθηναίους ἀπὸ τῆσδε τῆς ἡμέρας, ἐντίμους καθάπερ οἱ ἄλλοι Ἀθηναῖοι καὶ μετεῖναι αὐτοῖς ὡνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων, πλὴν εἴ τις ἱερωσύνη ἢ τελετὴ ἐστὶν ἐκ γένους, μηδὲ τῶν ἐννέα ἀρχόντων, τοῖς δ' ἐκ τούτων, . . . κατανεῖμαι δὲ τοὺς Πλαταιέας εἰς τοὺς δήμους καὶ [1381] τὰς φυλάς. ἐπειδὴν δὲ νεμηθῶσι, μὴ ἐξέστω ἔτι Ἀθηναίῳ μηδενὶ γίγνεσθαι Πλαταιέων, μὴ εὐρομένῳ παρὰ τοῦ δήμου τοῦ Ἀθηναίων.

105 Ὅρατε, ὦ ἄνδρες Ἀθηναῖοι, ὡς καλῶς καὶ δικαίως ἔγραψεν ὁ ῥήτωρ ὑπὲρ τοῦ δήμου τοῦ Ἀθηναίων, καὶ ἠξίωσε τοὺς Πλαταιέας λαμβάνοντας τὴν δωρεῖαν πρῶτον μὲν δοκιμασθῆναι ἐν τῷ δικαστηρίῳ κατ' ἄνδρα ἕκαστον, εἰ ἔστι Πλαταιεὺς καὶ εἰ τῶν φίλων τῶν τῆς πόλεως, ἵνα μὴ ἐπὶ ταύτῃ τῇ προφάσει πολλοὶ μεταλάβωσι τῆς πολιτείας· ἔπειτα τοὺς δοκιμασθέντας ἀναγραφῆναι ἐν στήλῃ λιθίνῃ, καὶ στήσαι ἐν ἀκροπόλει παρὰ τῇ θεῷ, ἵνα σώζηται ἢ δωρεῖὰ τοῖς ἐπιγιγνομένοις, 106 καὶ ἢ ἐξελέγξαι ὅτου ἂν ἕκαστος ἢ συγγενῆς. καὶ ὕστερον οὐκ ἔα γίγνεσθαι Ἀθηναῖον ἐξεῖναι, ὅς ἂν μὴ νῦν γένηται καὶ δοκιμασθῆ ἐν τῷ δικαστηρίῳ, τοῦ μὴ πολλοὺς φάσκοντας Πλαταιέας εἶναι κατασκευάζειν αὐτοῖς πολιτείαν. ἔπειτα καὶ τὸν νόμον διωρίσατο ἐν τῷ ψηφίσματι πρὸς αὐτοὺς

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<sup>a</sup> The clauses of the decree containing these provisions have plainly been lost.

## AGAINST NEAERA, 104-106

### THE DECREE REGARDING THE PLATAEANS

On motion of Hippocrates it is decreed that the Plataeans shall be Athenians from this day, and shall have full rights as citizens, and that they shall share in all the privileges in which the Athenians share, both civil and religious, save any priesthood or religious office which belongs to a particular family, and that they shall not be eligible to the office of the nine archons; but their descendants shall be. And the Plataeans shall be distributed among the demes and the tribes; and after they have been so distributed, it shall no longer be lawful for any Plataean to become an Athenian, unless he wins the gift from the people of Athens.

You see, men of Athens, how well and how justly 105  
the orator framed the decree in the interest of the people of Athens by requiring that the Plataeans, after receiving the gift, should first undergo the scrutiny in the court, man by man, in order to show whether each man was a Plataean and one of the friends of the city, so as to avoid the danger that many might use this pretext to acquire Athenian citizenship; and by requiring further <sup>a</sup> that the names of those who had passed the scrutiny should be inscribed upon a pillar of marble and should be set up in the Acropolis near the temple of the goddess, to the end that the favour granted to them should be preserved for their descendants and that each one of these might be in a position to prove his relationship to one of those receiving the grant. And he does not suffer anyone to become an 106  
Athenian in the later period, unless he be made such at the time and be approved by the court, for fear that numbers of people, by claiming to be Plataeans, might acquire for themselves the right of citizenship. And furthermore, he defined at once in the decree the rule applying to the Plataeans

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εὐθέως ὑπὲρ τε τῆς πόλεως καὶ τῶν θεῶν, μὴ ἐξείναι αὐτῶν μηδενὶ τῶν ἐννέα ἀρχόντων λαχεῖν μηδὲ ἱερωσύνης μηδεμιᾶς, τοῖς δ' ἐκ τούτων, ἂν ᾧσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον.

107 Οὐκοῦν δεινόν; πρὸς μὲν τοὺς ἀστυγείτονας καὶ ὁμολογουμένως ἀρίστους τῶν Ἑλλήνων εἰς τὴν πόλιν γεγενημένους οὕτω καλῶς καὶ ἀκριβῶς διωρίσασθε περὶ ἐκάστου, ἐφ' οἷς δεῖ ἔχειν τὴν δωρεϊάν, τὴν δὲ περιφανῶς ἐν ἀπάσῃ τῇ Ἑλλάδι πεπορνευμένην, οὕτως αἰσχρῶς καὶ ὀλιγῶρως [1382] ἐάσετε ὑβρίζουσαν εἰς τὴν πόλιν καὶ ἀσεβοῦσαν εἰς τοὺς θεοὺς ἀτιμώρητον, ἣν οὔτε οἱ πρόγονοι ἀστὴν κατέλιπον οὔθ' ὁ δῆμος πολίτιν ἐποίησατο;

108 ποῦ γὰρ αὕτη οὐκ εἴργασται τῷ σώματι; ἢ ποῦ οὐκ ἐλήλυθεν ἐπὶ τῷ καθ' ἡμέραν μισθῷ; οὐκ ἐν Πελοποννήσῳ μὲν πάσῃ, ἐν Θετταλίᾳ δὲ καὶ Μαγνησίᾳ μετὰ Σίμου τοῦ Λαρισαίου καὶ Εὐρυδάμαντος τοῦ Μηδείου, ἐν Χίῳ δὲ καὶ ἐν Ἰωνίᾳ τῇ πλείστῃ μετὰ Σωτάδου τοῦ Κρητὸς ἀκολουθοῦσα, μισθωθείσα ὑπὸ τῆς Νικαρέτης, ὅτε ἔτι ἐκείνης ἦν; τὴν δὲ ὑφ' ἑτέροις οὔσαν καὶ ἀκολουθοῦσαν τῷ διδόντι τί οἴεσθε ποιεῖν; ἄρ' οὐχ ὑπηρετεῖν τοῖς χρωμένοις εἰς ἀπάσας ἡδονάς; εἶτα τὴν τοιαύτην καὶ περιφανῶς ἐγνωσμένην ὑπὸ πάντων γῆς περίοδον εἰργασμένην ψηφιεῖσθε

<sup>a</sup> Magnesia, a district on the west coast of northern Greece.

<sup>b</sup> Larisa, a town in Thessaly.

<sup>c</sup> Chios, a large island off the coast of Ionia.

in the interest of the city and of the gods, declaring that it should not be permitted to any of them to be drawn by lot for the office of the nine archons or for any priesthood, but that their descendants might be so drawn, if they were born from mothers who were of Attic birth and were betrothed according to the law.

Is not this a monstrous thing? In the case of 107 those who were neighbours and who had shown themselves of all the Greeks by common consent to have conferred the greatest benefits upon your state, you thus carefully and accurately defined regarding each one the terms on which they should receive the gift of citizenship; are you then thus shamefully and recklessly to let off unpunished a woman who has openly played the harlot throughout the whole of Greece, who treats the city with outrage and the gods with impiety, and who is a citizen neither by birth nor by the gift of the people? Where has this woman not prostituted herself? 108 To what place has she not gone in quest of her daily wage? Has she not been everywhere in the Peloponnesus, in Thessaly and in Magnesia <sup>a</sup> in the company of Simus of Larisa <sup>b</sup> and Eurydamas son of Medeios, in Chios <sup>c</sup> and most of Ionia, following in the train of Sotadas the Cretan, and was she not let out for hire by Nicaretê so long as she belonged to her? What do you suppose a woman does who is subject to men who are not her kinsfolk, and who follows in the train of him who pays her? Does she not serve all the lusts of those who deal with her? Will you, then, declare by your vote that a woman of this stamp, who is known by everybody beyond all question to have plied her trade the whole world

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- 109 ἀσπὴν εἶναι; καὶ τί καλὸν φήσετε πρὸς τοὺς ἐρω-  
 τῶντας διαπεπρᾶχθαι, ἢ ποία αἰσχύνῃ καὶ ἀσεβείᾳ  
 οὐκ ἔνοχοι αὐτοὶ εἶναι; πρὶν μὲν γὰρ γραφῆναι  
 ταύτην καὶ εἰς ἀγῶνα καταστῆναι καὶ πυθέσθαι  
 πάντας ἧτις ἦν καὶ οἷα ἡσέβηκε, τὰ μὲν ἀδικήματα  
 ταύτης ἦν, ἢ δ' ἀμέλεια τῆς πόλεως· καὶ οἱ μὲν οὐκ  
 ἤδεσαν ὑμῶν, οἱ δὲ πυθόμενοι τῷ μὲν λόγῳ ἡγα-  
 νάκτου, τῷ δ' ἔργῳ οὐκ εἶχον ὅ τι χρῆσαιτο αὐτῇ,  
 οὐδενὸς εἰς ἀγῶνα καθιστάντος οὐδὲ διδόντος περὶ  
 αὐτῆς τὴν ψῆφον. ἐπειδὴ δὲ καὶ ἴστε πάντες καὶ  
 ἔχετε ἐφ' ὑμῖν αὐτοῖς καὶ κύριοί ἐστε κολάσαι,  
 ὑμέτερον ἤδη τὸ ἀσέβημα γίγνεται τὸ πρὸς τοὺς  
 110 θεοὺς, ἐὰν μὴ ταύτην κολάσητε. τί δὲ καὶ φήσειεν  
 ἂν ὑμῶν ἕκαστος εἰσιὼν πρὸς τὴν ἑαυτοῦ γυναῖκ'  
 ἢ θυγατέρα ἢ μητέρα, ἀποψηφισάμενος ταύτης,  
 ἐπειδὴν ἔρηται ὑμᾶς, “ποῦ ἦτε;” καὶ εἶπητε  
 [1383] ὅτι “ἐδικάζομεν;” “τῷ;” ἐρήσεται εὐθύς.  
 “Νεαίρα,” δῆλον ὅτι φήσετε (οὐ γάρ;) “ὅτι  
 ξένη οὖσα ἀσπῷ συνοικεῖ παρὰ τὸν νόμον, καὶ ὅτι  
 τὴν θυγατέρα μεμοιχευμένην ἐξέδωκε Θεογένει τῷ  
 βασιλεύσαντι, καὶ αὕτη ἔθυσε τὰ ἱερά τὰ ἄρρητα  
 ὑπὲρ τῆς πόλεως καὶ τῷ Διονύσῳ γυνὴ ἐδόθη,”  
 καὶ τᾶλλα διηγούμενοι τὴν κατηγορίαν αὐτῆς, ὡς  
 εὔ καὶ μνημονικῶς καὶ ἐπιμελῶς περὶ ἑκάστου  
 111 κατηγορήθη. αἱ δὲ ἀκούσασαι ἐρήσονται, “τί  
 οὖν ἐποιήσατε;” ὑμεῖς δὲ φήσετε, “ἀπεψηφί-

over, is an Athenian citizen? What honourable 109  
 deed will you say that you have done, when people  
 ask you, or with what shame and impiety will you  
 yourselves say that you are not chargeable? For  
 up to the time when this woman was indicted and  
 brought to trial, so that you all learned who she  
 was and what acts of impiety she had committed,  
 the crimes were her own, and the state was merely  
 guilty of neglect; and some of you knew nothing  
 of the matter, and others learning of it expressed  
 their indignation in words but in fact had no means  
 of dealing with her, seeing that nobody brought  
 her to trial or gave an opportunity of casting a vote  
 regarding her. But now that you all know the  
 facts and have got her in your own hands, and have  
 the power to punish her, the sin against the gods  
 becomes your own, if you fail to do so. And when 110  
 each one of you goes home, what will he find to  
 say to his own wife or his daughter or his mother,  
 if he has acquitted this woman?—when the question  
 is asked you, “Where were you?” and you answer,  
 “We sat as jury.” “Trying whom?” it will at  
 once be asked, “Neaera,” you will say, of course,  
 will you not? “because she, an alien woman, is  
 living as wife with an Athenian contrary to law, and  
 because she gave her daughter, who had lived as a  
 harlot, in marriage to Theogenes, the king, and this  
 daughter performed on the city’s behalf the rites  
 that none may name, and was given as wife to  
 Dionysus.” And you will narrate all the other  
 details of the charge, showing how well and accurately  
 and in a manner not easily forgotten the accusation  
 covered each point. And the women, when they 111  
 have heard, will say, “Well, what did you do?”

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σμεθα.” οὐκοῦν ἤδη αἱ μὲν σωφρονέσταται τῶν γυναικῶν ὀργισθήσονται ὑμῖν, διότι ὁμοίως αὐταῖς ταύτην κατηξιούτε μετέχειν τῶν τῆς πόλεως καὶ τῶν ἱερῶν· ὅσαι δ' ἀνόητοι, φανερώς ἐπιδείκνυτε ποιεῖν ὅ τι ἂν βούλωνται, ὡς ἄδειαν ὑμῶν καὶ τῶν νόμων δεδωκότων· δόξετε γὰρ ὀλιγώρως καὶ ῥαθύμως φέροντες ὁμογνώμονες καὶ αὐτοὶ εἶναι

- 112 τοῖς ταύτης τρόποις. ὥστε πολὺ μᾶλλον ἔλυσι-  
τέλει μὴ γενέσθαι τὸν ἀγῶνα τουτονί, ἢ γενομέ-  
νου ἀποψηφίσασθαι ὑμᾶς. κομιδῇ γὰρ ἤδη<sup>1</sup> ἐξ-  
ουσία ἔσται ταῖς πόρναις συνοικεῖν οἷς ἂν βού-  
λωνται, καὶ τοὺς παῖδας φάσκειν οὐ ἂν τύχωσιν  
εἶναι· καὶ οἱ μὲν νόμοι ἄκυροι ὑμῖν ἔσονται, οἱ δὲ  
τρόποι τῶν ἐταιρῶν κύριοι ὅ τι ἂν βούλωνται δια-  
πράττεσθαι. ὥστε καὶ ὑπὲρ τῶν πολιτίδων σκο-  
πεῖτε, τοῦ μὴ ἀνεκδότους γίνεσθαι τὰς τῶν  
113 πενήτων θυγατέρας. νῦν μὲν γάρ, κἂν ἀπορηθῇ  
τις, ἱκανὴν προῖκ' αὐτῇ ὁ νόμος συμβάλλεται, ἂν  
καὶ ὀπωστιοῦν μετρίαν ἢ φύσις ὄψιν ἀποδῶ· προ-  
πηλακισθέντος δὲ τοῦ νόμου ὑφ' ὑμῶν ἀποφυ-  
[1384] γούσης ταύτης, καὶ ἀκύρου γενομένου, παντελῶς  
ἤδη ἢ μὲν τῶν πορνῶν ἐργασία ἤξει εἰς τὰς τῶν  
πολιτῶν θυγατέρας, δι' ἀπορίαν ὅσαι ἂν μὴ δύ-  
νωνται ἐκδοθῆναι, τὸ δὲ τῶν ἐλευθέρων γυναικῶν  
ἀξίωμα εἰς τὰς ἐταίρας, ἂν ἄδειαν λάβωσι τοῦ  
ἐξεῖναι αὐταῖς παιδοποιεῖσθαι ὡς ἂν βούλωνται καὶ  
τελετῶν καὶ ἱερῶν καὶ τιμῶν μετέχειν τῶν ἐν τῇ  
πόλει.

<sup>1</sup> After ἤδη the mss. add παντελῶς.



And you will say, "We acquitted her." At this point the most virtuous of the women will be angry at you for having deemed it right that this woman should share in like manner with themselves in the public ceremonials and religious rites ; and to those who are not women of discretion you point out clearly that they may do as they please, for they have nothing to fear from you or the laws. For if you treat the matter with indifference or toleration, you will yourselves seem to approve of this woman's conduct. It would be far better, therefore, that <sup>112</sup> this trial should never have taken place than that, when it has taken place, you should vote for acquittal ; for in that case prostitutes will indeed have liberty to live with whatever men they choose and to name anyone whatever as the father of their children, and your laws will become of no effect, and women of the character of the courtesan will be able to bring to pass whatever they please. Take thought, therefore, also for the women who are citizens, that the daughters of poor men may not fail of marriage. For as things are now, even if a <sup>113</sup> girl be poor, the law provides for her an adequate dowry, if nature has endowed her with even moderate comeliness ; but if through the acquittal of this woman you drag the law through the mire and make it of no effect, then the trade of the harlot will absolutely make its way to the daughters of citizens, who through poverty are unable to marry, and the dignity of free-born women will descend to the courtesans, if they be given licence to bear children to whomsoever they please, and still to share in all the rites and ceremonies and honours in the state.

## DEMOSTHENES

- 114 Ὡστε εἷς ἕκαστος ὑμῶν νομιζέτω, ὁ μὲν ὑπὲρ  
 γυναικός, ὁ δ' ὑπὲρ θυγατρός, ὁ δ' ὑπὲρ μητρός,  
 ὁ δ' ὑπὲρ τῆς πόλεως καὶ τῶν νόμων καὶ τῶν ἱερῶν  
 τὴν ψῆφον φέρειν, τοῦ μὴ ἐξ ἴσου φανῆναι ἐκείνας  
 τιμωμένας ταύτῃ τῇ πόρῃ, μηδὲ τὰς μετὰ πολλῆς  
 καὶ καλῆς σωφροσύνης καὶ ἐπιμελείας τραφεῖσας  
 ὑπὸ τῶν προσηκόντων καὶ ἐκδοθείσας κατὰ τοὺς  
 νόμους, ταύτας ἐν τῷ ἴσῳ φαίνεσθαι μετεχοῦσας  
 τῇ μετὰ πολλῶν καὶ ἀσελγῶν τρόπων πολλακίς  
 πολλοῖς ἐκάστης ἡμέρας συγγεγενημένη, ὡς ἕκα-  
 115 στος ἐβούλετο. ἠγείσθε δὲ μήτ' ἐμὲ τὸν λέγοντα  
 εἶναι Ἀπολλόδωρον μήτε τοὺς ἀπολογησομένους  
 καὶ συνεροῦντας πολίτας, ἀλλὰ τοὺς νόμους καὶ  
 Νέαιραν ταυτηνὴν περὶ τῶν πεπραγμένων αὐτῇ πρὸς  
 ἀλλήλους δικάζεσθαι. καὶ ὅταν μὲν ἐπὶ τῆς κατ-  
 ηγορίας γένησθε, τῶν νόμων αὐτῶν ἀκούετε, δι' ὧν  
 οἰκεῖται ἡ πόλις καὶ καθ' οὓς ὁμωμόκατε δικάσειν,  
 τί κελεύουσι καὶ τί παραβεβήκασιν· ὅταν δὲ ἐπὶ  
 τῆς ἀπολογίας ᾗτε, μνημονεύοντες τὴν τῶν νόμων  
 κατηγορίαν καὶ τὸν ἔλεγχον τὸν τῶν εἰρημένων,  
 τὴν τε ὄψιν αὐτῆς ἰδόντες, ἐνθυμείσθε τοῦτο μόνον,  
 εἰ Νέαιρα οὔσα ταῦτα διαπέπρακται.
- 116 Ἄξιον δὲ κάκεῖνο ἐνθυμηθῆναι, ὧ ἄνδρες Ἀθη-  
 ναῖοι, ὅτι Ἀρχίαν τὸν ἱεροφάντην γενόμενον, ἐξ-  
 ελεγχθέντα ἐν τῷ δικαστηρίῳ ἀσεβοῦντα καὶ θύοντα

<sup>a</sup> The high-priest of the temple at Eleusis.

I would, then, have each one of you consider 114  
 that he is casting his vote, one in the interest of  
 his wife, one of his daughter, one of his mother,  
 and one in the interest of the state and the laws  
 and of religion, in order that these women may  
 not be shown to be held in like esteem with the  
 harlot, and that women who have been brought up  
 by their relatives with great care and in the grace  
 of modesty and have been given in marriage ac-  
 cording to the laws may not be seen to be sharing  
 on an equal footing with a creature who in many  
 and obscene ways has bestowed her favours many  
 times a day on all comers, as each one happened  
 to desire. Forget that I, the speaker, am Apollo- 115  
 dorus, and that those who will support and plead  
 for the defendant are citizens of Athens; but  
 consider that the laws and Neaera here are con-  
 tending in a suit regarding the life which she has led.  
 And when you take up the accusation, listen to  
 the laws themselves, which are the foundation of  
 your civic life, and in accordance with which you  
 have sworn to cast your votes, in order that you  
 may hear what they ordain and in what way the  
 defendants have transgressed them; and when  
 you are concerned with the defence, bear in mind  
 the charges which the laws prefer and the proofs  
 offered by the testimony given; and with a glance  
 at the woman's appearance, consider this and this  
 only—whether she, being Neaera, has done these  
 things.

It is worth your while, men of Athens, to consider 116  
 this also—that you punished Archias, who had been  
 hierophant,<sup>a</sup> when he was convicted in court of  
 impiety and of offering sacrifice contrary to the rites

## DEMOSTHENES

- [1385] παρὰ τὰ πάτρια τὰς θυσίας, ἐκολάσατε ὑμεῖς, καὶ ἄλλα τε κατηγορήθη αὐτοῦ, καὶ ὅτι Σινώπη τῇ ἑταίρα Ἀλώοις ἐπὶ τῆς ἐσχάρας τῆς ἐν τῇ αὐλῇ Ἐλευσίνι προσαγούσῃ ἱερεῖον θύσειεν, οὐ νομίμου ὄντος ἐν ταύτῃ τῇ ἡμέρᾳ ἱερεῖα θύειν, οὐδ' ἐκείνου οὔσης τῆς θυσίας, ἀλλὰ τῆς ἱερείας. οὐκοῦν δεινόν, τὸν μὲν καὶ ἐκ γένους ὄντα τοῦ Εὐμολπιδῶν καὶ προγόνων καλῶν κάγαθῶν καὶ πολίτην τῆς πόλεως, ὅτι ἐδόκει τι παραβῆναι τῶν νομίμων, δοῦναι δίκην· καὶ οὔθ' ἢ τῶν συγγενῶν οὔθ' ἢ τῶν φίλων ἐξαίτησις ὠφέλησεν αὐτόν, οὔθ' αἱ λητουργίαι ἃς ἐλητούργησε τῇ πόλει αὐτὸς καὶ οἱ πρόγονοι αὐτοῦ, οὔτε τὸ ἱεροφάντην εἶναι, ἀλλ' ἐκολάσατε δόξαντα ἀδικεῖν. Νέαιραν δὲ ταυτηνὴν εἰς τε τὸν αὐτὸν θεὸν τοῦτον ἠσεβηκυῖαν καὶ τοὺς νόμους, καὶ αὐτὴν καὶ τὴν θυγατέρα αὐτῆς, οὐ τιμωρήσεσθε;
- 118 Θαυμάζω δ' ἔγωγε τί ποτε καὶ ἐροῦσι πρὸς ὑμᾶς ἐν τῇ ἀπολογία. πότερον ὡς ἀσθή ἐστι Νέαιρα αὐτῇ καὶ κατὰ τοὺς νόμους συνοικεῖ αὐτῷ; ἀλλὰ μεμαρτύρηται ἑταίρα οὔσα καὶ δούλη Νικαρρέτης γεγεννημένη. ἀλλ' οὐ γυναῖκα εἶναι αὐτοῦ, ἀλλὰ παλλακὴν ἔχειν ἔνδον; ἀλλ' οἱ παῖδες ταύτης ὄντες καὶ εἰσηγμένοι εἰς τοὺς φράτερας ὑπὸ Στεφάνου, καὶ ἡ θυγάτηρ ἀνδρὶ Ἀθηναίῳ ἐκδοθεῖσα, περιφανῶς αὐτὴν ἀποφαίνουσι γυναῖκα
- 119 ἔχοντα. ὡς μὲν τοίνυν οὐκ ἀληθῆ ἐστι τὰ κατη-

<sup>a</sup> Literally, the feast of the threshing-floor. This was celebrated in the month Poseideon (the latter half of December and the prior half of January).

<sup>b</sup> The Eumolpidae were descendants of the legendary Eumolpus. Certain sacred functions connected with the worship of Demeter and Dionysus were theirs by ancestral

handed down by our fathers. Among the charges brought against him was, that at the feast of the harvest <sup>a</sup> he sacrificed on the altar in the court at Eleusis a victim brought by the courtesan Sinopê, although it was not lawful to offer victims on that day, and the sacrifice was not his to perform, but the priestess'. It is, then, a monstrous thing that a <sup>117</sup> man who was of the race of the Eumolpidae,<sup>b</sup> born of honourable ancestors and a citizen of Athens, should be punished for having transgressed one of your established customs; and the pleadings of his relatives and friends did not save him, nor the public services which he and his ancestors had rendered to the city; no, nor yet his office of hierophant; but you punished him, because he was judged to be guilty;—and this Neaera, who has committed acts of sacrilege against this same god, and has transgressed the laws, shall you not punish *her*—her and her daughter?

I for my part wonder what in the world they will <sup>118</sup> say to you in their defence. Will it be that this woman Neaera is of Athenian birth, and that she lives as his wife with Stephanus in accordance with the laws? But testimony has been offered, showing that she is a courtesan, and has been the slave of Nicaretê. Or will they claim that she is not his wife, but that he keeps her in his house as a concubine? Yet the woman's sons, by having been introduced to the clansmen by Stephanus, and her daughter, by having been given in marriage to an Athenian husband, prove beyond question that he keeps her as his wife. I think, therefore, that neither <sup>119</sup> right; for instance, the Hierophant had always to be a Eumolpid, as therefore Archias was.

DEMOSTHENES

γορημένα καὶ μεμαρτυρημένα, οὐτ' αὐτὸν Στέφανον  
οὐτ' ἄλλον ὑπὲρ τούτου οἶμαι ἐπιδείξειν, ὡς ἔστιν  
ἀσπὴ Νεαίρα αὐτῆ· ἀκούω δὲ αὐτὸν τοιοῦτόν τι  
μέλλειν ἀπολογεῖσθαι, ὡς οὐ γυναῖκα ἔχει αὐτήν,  
ἀλλ' ἑταίραν, καὶ οἱ παῖδες οὐκ εἰσὶ ταύτης, ἀλλ'  
ἐξ ἑτέρας γυναικὸς αὐτῷ ἀσπῆς, ἣν φήσει πρότερον  
γῆμαι συγγενῇ αὐτοῦ. πρὸς δὴ τὴν ἀναίδειαν  
αὐτοῦ τοῦ λόγου καὶ τὴν παρασκευὴν τῆς ἀπο-  
λογίας καὶ τῶν μαρτυρεῖν αὐτῷ παρεσκευασμένων,  
πρόκλησιν αὐτὸν προῦκαλεσάμην ἀκριβῆ καὶ δι-  
καίαν, δι' ἧς ἐξῆν ὑμῖν πάντα τάληθῆ εἰδέναι,  
παραδοῦναι τὰς θεραπαίνας τὰς Νεαίρα τότε  
προσκαρτερούσας, ὅτ' ἦλθεν ὡς Στέφανον ἐκ  
Μεγάρων, Θραῦτταν καὶ Κοκκαλίην, καὶ ἃς ὕστερον  
παρὰ τούτῳ οὔσα ἐκτήσατο, Ξεννίδα καὶ Δροσίδα·  
αἱ ἴσασιν ἀκριβῶς Πρόξενόν τε τὸν τελευτήσαντα  
καὶ Ἀρίστωνα τὸν νῦν ὄντα καὶ Ἀντιδωρίδην τὸν  
σταδιαδρομοῦντα καὶ Φανὼ τὴν Στρυβήλην καλου-  
μένην, ἣ Θεογένει τῷ βασιλεύσαντι συνώκησε,  
Νεαίρας ὄντας. καὶ ἐὰν φαίνεται ἐκ τῆς βασάνου  
γῆμας Στέφανος οὔτοσιν ἀσπὴν γυναῖκα, καὶ ὄντες  
αὐτῷ οἱ παῖδες οὗτοι ἐξ ἑτέρας γυναικὸς ἀσπῆς  
καὶ μὴ Νεαίρας, ἤθελον ἀφίστασθαι τοῦ ἀγῶνος  
καὶ μὴ εἰσιέναι τὴν γραφὴν ταύτην. τὸ γὰρ  
συνοικεῖν τοῦτ' ἔστιν, ὃς ἂν παιδοποιῆται καὶ  
εἰσάγῃ εἰς τε τοὺς φράτερας καὶ δημότας τοὺς  
υἱεῖς, καὶ τὰς θυγατέρας ἐκδιδῶ ὡς αὐτοῦ οὔσας  
τοῖς ἀνδράσι. τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ'

120  
[1386]

121

122

Stephanus himself nor anyone on his behalf will succeed in proving that the charges and the testimony are false—that, in short, this Neaera is an Athenian woman. But I hear that he is going to set up some such defence as this—that he is keeping her, not as a wife, but as a mistress, and that the children are not hers, but were born to him by another woman, an Athenian and a relative of his, whom he will assert that he married at a earlier date. To 120 meet the impudence of this assertion of his, of the defence which he has concocted, and of the witnesses whom he has suborned to support it, I tendered him a precise and reasonable challenge, by means of which you would have been enabled to know the whole truth: I proposed that he should deliver up for the torture the women-servants, Thratta and Cocalinê, who remained loyally with Neaera when she came to Stephanus from Megara, and those whom she purchased subsequently, while living with him, Xennis and Drosis; for these women know 121 perfectly well that Proxenus, who died, Ariston, who is still living, and Antidorides the runner, and Phano, formerly called Strybelê, who married Theogenes, the king, are children of Neaera. And if it should appear from the torture that this man Stephanus had married an Athenian wife and that these children were borne to him, not by Neaera, but by another woman who was an Athenian, I offered to withdraw from the case and to prevent this indictment from coming into court. For this is what 122 living with a woman as one's wife means—to have children by her and to introduce the sons to the members of the clan and of the deme, and to betroth the daughters to husbands as one's own. Mistresses

## DEMOSTHENES

ἔχομεν, τὰς δὲ παλλακὰς τῆς καθ' ἡμέραν θερα-  
πειᾶς τοῦ σώματος, τὰς δὲ γυναῖκας τοῦ παι-  
δοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν  
ἔχειν. ὥστ' εἰ πρότερον ἔγνημε γυναῖκα ἀστὴν,  
καὶ εἰσὶν οὗτοι οἱ παῖδες ἐξ ἐκείνης καὶ μὴ Νεαίρας,  
ἐξῆν αὐτῷ ἐκ τῆς ἀκριβεστάτης μαρτυρίας ἐπι-  
δειξάι, παραδόντι τὰς θεραπαίνας ταύτας.

123 Ὡς δὲ προὔκαλεσάμην, τούτων ὑμῖν τὴν τε  
μαρτυρίαν καὶ τὴν πρόκλησιν ἀναγνώσεται.

Λέγε τὴν μαρτυρίαν, ἔπειτα τὴν πρόκλησιν.

[1387]

### ΜΑΡΤΥΡΙΑ

Ἰπποκράτης Ἰπποκράτους Προβαλίσιος, Δημοσθένης  
Δημοσθένους Παιανιεύς, Διοφάνης Διοφάνους Ἀλωπε-  
κῆθεν, Δεινομένης Ἀρχελάου Κυδαθηναίου, Δεινίας  
Φορμίδου Κυδαντίδης, Λυσίμαχος Λυσίππου Αἰγυλιεύς  
μαρτυροῦσι παρεῖναι ἐν ἀγορᾷ, ὅτ' Ἀπολλόδωρος προὔ-  
καλεῖτο Στέφανον, ἀξιῶν παραδοῦναι εἰς βάσανον τὰς  
θεραπαίνας περὶ ὧν ἤγνιατο Ἀπολλόδωρος Στέφανον  
περὶ Νεαίρας· Στέφανον δ' οὐκ ἐθελῆσαι παραδοῦναι  
τὰς θεραπαίνας· τὴν δὲ πρόκλησιν εἶναι ἣν παρέχεται  
Ἀπολλόδωρος.

124 Λέγε δὴ αὐτὴν τὴν πρόκλησιν, ἣν προὔκαλούμην  
ἐγὼ Στέφανον τουτονί.

### ΠΡΟΚΛΗΣΙΣ

Τάδε προὔκαλεῖτο Ἀπολλόδωρος Στέφανον περὶ ὧν  
τὴν γραφὴν γέγραπται Νείαιραν, ξένην οὔσαν ἀστῶ συν-

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<sup>a</sup> Probalinthus was a deme of the tribe Pandionis, Paeania of the tribe Pandionis, Alopecê of the tribe Antiochis, 446



we keep for the sake of pleasure, concubines for the daily care of our persons, but wives to bear us legitimate children and to be faithful guardians of our households. If, therefore, Stephanus had previously married an Athenian woman, and these children are hers and not Neaera's, he could have shown it by the most certain evidence, by delivering up these women-servants for the torture.

To prove that I so challenged him, the clerk shall read to you the deposition regarding these matters and the challenge. 123

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

#### THE DEPOSITION

Hippocrates, son of Hippocrates, of Probalinthus,<sup>a</sup> Demosthenes, son of Demosthenes, of Paeania, Diophanes, son of Diophanes, of Alopecê, Deinomenes, son of Archelaus, of Cydathenaëum, Deinias, son of Phormides, of Cydantidae, and Lysimachus, son of Lysippus, of Aegilia, depose that they were present in the agora, when Apollodorus challenged Stephanus, demanding that he deliver up the women-servants for the torture in regard to the charges preferred against Stephanus by Apollodorus concerning Neaera; and that Stephanus refused to deliver up the women-servants; and that the challenge was the one which Apollodorus produces.

(*To the clerk.*) Now read the challenge itself which I tendered to this Stephanus. 124

#### THE CHALLENGE

Apollodorus tendered this challenge to Stephanus in connexion with the indictment which he preferred against Neaera, charging that she, being an alien, is living as

Cydathenaëum of the tribe Pandionis, Cydantidae of the tribe Aegêis, and Aegilia of the tribe Antiochis.

## DEMOSTHENES

οικεῖν, ἕτοιμος ὢν τὰς θεραπαίνας παραλαμβάνειν τὰς Νεαίρας, ἃς ἐκ Μεγάρων ἔχουσα ἦλθε, Θραῦτταν καὶ Κοκκαλίην, καὶ ἃς ὕστερον παρὰ Στεφάνῳ ἐκτήσατο, Ξενίδα καὶ Δροσίδα, τὰς εἰδυίας ἀκριβῶς περὶ τῶν παίδων τῶν ὄντων Νεαίρα, ὅτι οὐκ<sup>1</sup> ἐκ Στεφάνου εἰσί, Πρόξενός τε ὁ τελευτήσας καὶ Ἀρίστων ὁ νῦν ὢν καὶ Ἀντιδωρίδης ὁ σταδίαδρομῶν καὶ Φανῶ, ἐφ' ᾧ τε βασανίσαι αὐτάς. καὶ εἰ μὲν ὁμολογοῖεν<sup>2</sup> εἶναι Νεαίρας τούτους τοὺς παῖδας, πεπράσθαι Νεαίραν κατὰ τοὺς νόμους καὶ τοὺς παῖδας ξένους εἶναι· εἰ δὲ μὴ ὁμολογοῖεν ἐκ ταύτης εἶναι αὐτούς, ἀλλ' ἐξ ἑτέρας γυναικὸς ἀστῆς, ἀφίστασθαι τοῦ ἀγῶνος ἠθελον τοῦ Νεαίρας, καὶ εἴ τι ἐκ τῶν βασάνων βλαφθείησαν αἱ ἄνθρωποι, ἀποτίνειν ὃ τι βλαβεῖησαν.

125  
[1388] Ταῦτα προκαλεσαμένου ἐμοῦ, ἄνδρες δικασταί, Στέφανον τουτονί, οὐκ ἠθέλησε δέξασθαι. οὐκ οὐδὲν ἤδη δοκεῖ ὑμῖν δεδικάσθαι ὑπ' αὐτοῦ Στεφάνου τουτονί, ὧ ἄνδρες δικασταί, ὅτι ἔνοχός ἐστι τῇ γραφῇ Νεαίρα ἣν ἐγὼ αὐτὴν ἐγραψάμην, καὶ ὅτι ἐγὼ μὲν ἀληθῆ εἶρηκα πρὸς ὑμᾶς καὶ τὰς μαρτυρίας παρεσχόμην ἀληθεῖς, οὗτος δ' ὅ τι ἂν λέγῃ πάντα ψεύσεται, καὶ ἐξελέγξει αὐτὸς αὐτὸν ὅτι οὐδὲν ὑγιὲς λέγει, οὐκ ἐθέλησας παραδοῦναι εἰς βασάνους τὰς θεραπαίνας ἃς ἐγὼ ἐξήτουν αὐτόν;

126 Ἐγὼ μὲν οὖν, ὧ ἄνδρες δικασταί, καὶ τοῖς θεοῖς, εἰς οὓς οὗτοι ἠσεβήκασιν, καὶ ἐμαντῶ τιμωρῶν, κατέστησά τε τουτουσὶ εἰς ἀγῶνα καὶ ὑπὸ τῇν ὑμετέραν ψῆφον ἤγαγον. καὶ ὑμᾶς δὲ χρὴ νομίσαντας μὴ λήσειν τοὺς θεοὺς, εἰς οὓς οὗτοι παρανενομήκασιν, ὅ τι ἂν ἕκαστος ὑμῶν ψηφίσῃται,

<sup>1</sup> οὐκ, lacking in the mss., was added by Voemel.

<sup>2</sup> After ὁμολογοῖεν the mss. add ἐκ Στεφάνου, and, after εἶναι, καί.

wife with him, a citizen. Apollodorus is ready to receive for examination by the torture the women-servants of Neaera, Thratta and Coccalinê, whom she brought with her from Megara, and those whom she subsequently purchased while living with Stephanus—Xennis, namely, and Drosis—women who have accurate knowledge regarding the children of Neaera, that they are not by Stephanus. These are Proxenus, who died, Ariston, who is now living, Antidorides the runner, and Phano. And if they agreed that these children are Neaera's, I demanded that Neaera be sold as a slave in accordance with the law, and that her children be declared aliens; but if they agreed that the children are not hers but were born of some other woman who was an Athenian, then I offered to withdraw from the action against Neaera, and if the women had been injured in any way as a result of the torture, to pay for the injuries sustained.

On my tendering this challenge to Stephanus, men 125 of the jury, he refused to accept it. Does it not, then, appear to you, men of the jury, that a verdict has been given by Stephanus here himself that Neaera is guilty under the indictment which I preferred against her, and that I have told you the truth and produced testimony which is true, whereas whatever Stephanus may say to you will be wholly false, and he will himself prove that he has no sound argument to advance, inasmuch as he has refused to deliver up for the torture the women-servants whom I demanded of him?

I therefore, men of the jury, as an avenger 126 of the gods against whom these people have committed sacrilege, and as an avenger of myself, have brought them to trial and submitted them to be judged by you. It is now your duty to render the verdict which justice demands, knowing well that the gods, against whom these people have acted lawlessly, will not be unaware of the vote

## DEMOSTHENES

ψηφίσασθαι τὰ δίκαια, καὶ τιμωρεῖν μάλιστα μὲν τοῖς θεοῖς, ἔπειτα δὲ καὶ ὑμῖν αὐτοῖς. καὶ ταῦτα ποιήσαντες δόξετε πᾶσι καλῶς καὶ δικαίως δικάσαι ταύτην τὴν γραφὴν, ἣν Νέαιραν ἐγὼ ἐγραψάμην, ξένην οὖσαν ἀστῶ συνοικεῖν.

each one of you shall cast. It is your duty to be avengers in the first place of the gods, but also of your own selves. If you do this, you will be held by all men to have given an honourable and just decision on this indictment which I have preferred against Neaera, charging that she, being an alien, lives as his wife with an Athenian citizen.

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