SELECT PRIVATE ORATIONS

OF

DEMOSTHENES.

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SELECT PRIVATE ORATIONS
OF
DEMOSTHENES
PART II.
CONTAINING
PRO PHORMIONE, CONTRA STEPHANUM I. II.;
NICOSTRATUM, CONONEM, CALLICLEM;
WITH INTRODUCTIONS AND ENGLISH
COMMENTARY
BY
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WITH SUPPLEMENTARY NOTES
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EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.

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1875.
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290. 1. 21.
TO MY PUPILS
PAST AND PRESENT

This Volume
is
DEDICATED.

Idem et docenti et discenti
debet esse propositum
ut ille prodesse velit
hic proficere.

P. S. D. II.
PREFACE.

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

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

1 Mr Penrose’s handy volume (now out of print) contained the Speeches against Aphobus, Onetor, Zenothemis, Apaturius, Phormio (Or. 34, ἡς Ποπόλωνα), and Laecitus. The Eubulides, Theocrimes and in Neeram are the only private orations included in the learned edition of Demosthenes by Dr John Taylor (fellow of St John’s Coll. from 1726 to 1753), printed at the Cambridge University Press in 1748 and 1757.
literary criticism and chronological detail involved in the controversy on the authorship of those orations.

Those who, after finishing the *pro Phormione*, do not care to study minutely the whole of the two speeches against Stephanus, ought, at the very least, to examine the vigorous attack on Phormio which extends from § 71 to § 82 of the first of those two speeches, and should also endeavour to obtain a connected view of the argument by reading consecutively the italicised abstracts inserted at suitable intervals in the course of the commentary. With the help of these abstracts the general reader, the barrister, for instance, who has not remembered all the Greek of his younger days, may perhaps, if tempted to dip into these pages, form some opinion of his own on the forensic oratory of Athens; but my more immediate object in this part of my work has been to obviate any occasion for unduly burdening the notes with those literal renderings which are always welcome to students of the less industrious sort, by supplying instead (as the occasion requires) either a free paraphrase or a condensed summary, which may legitimately lighten their labour without giving licence to their idleness.

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

The first volume of selections from Demosthenes, published by the University Press in 1874, included the speeches *contra Phormionem* (Or. 34), *Lacritum* (35), *Pantaenetum* (37), *Boeotum de nomine* (39), *Boeotum de dote* (40), and *Dionysodorum* (56). In the preface to that volume it has been already explained that the two volumes are a joint edition on the part of Mr Paley and myself, and I may here repeat that while Mr Paley was mainly responsible for the previous part, I am similarly responsible for all the Introductions and for nearly all the notes of the present, though I have had the advantage of receiving from him a careful revision of all the proof-sheets of my commentary, and a large number of supplementary annotations, many of which have been incorporated with my own, and duly acknowledged by being placed in square brackets and followed by his initial.

J. E. S.

October, 1875.

CORRIGENDA.

*In the text.*

p. 86, line 11, read *τεθνεώτας*.

p. 188, line 11, read *πέμπτους τοῦτον*. 
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TEXT.


VARIORUM EDITIONS.


SCHOOL EDITION.

*A. WESTERMANN. Ausgewählte Reden des Dem., part 3, pp. 111—185, Rede gegen Konon (Or. 54). Also contains adv. Aristocratem and in Eubulidem. Berlin (2nd ed. 1865).

DISSERTATIONS, &c.

(1) C. D. BEELS. Diatribe in Dem. orationes i et ii in Stephanum (Or. 45 and 46), pp. 123, Leyden, 1823. (2) IM. HER- MANN. De tempore, quo orationes quae seruntur Demostenis pro Apollodoro et Phormione scriptae sint, disputatio (on Or. 36,
SELECT LIST OF DISSERTATIONS, &c.


LEXICOGRAPHY, ANTIQUITIES, &c.


INTRODUCTION TO
Or. xxxvi

ΥΠΕΡ ΦΟΡΜΙΩΝΟΣ.

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

1 Or. 36 § 48 sq.—On the *Trapesitae*, see Becker’s *Chari- ricles* scene iv; K. F. Hermann, *Griechische Privatalterthümer* § 48; and Büchsenschütz, *Besitz und Erwerb im Griechischen Alterthume* pp. 500—510.

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The speech composed by Isocrates probably belongs to the year B.C. 394, when Pasion, though no longer a slave, was only a resident alien (μέτοικος)¹; at a subsequent date, on rising to the privileged position of enjoying as a denizen (ισοτηλίας) such civic rights as were not of an expressly political nature, he acquired some property in land, and distinguished himself by his public spirit, on one occasion in particular presenting the State with a thousand shields from his own manufactory, and five triremes equipped at his own expense⁶. In recognition of these services, Athens rewarded him with the rights of her citizenship⁷.

Among those who had business relations with him we find Athenians of high position like Timotheus, the celebrated general⁴, and Demoethenes the father of the orator⁵; his bank in the Peiraeus enjoyed, in the Euxine and elsewhere, a credit co-extensive with the commerce of Attica; even eight years after his death, Apollodorus, of whom we shall hear more anon, had only to declare himself as Pasion’s son to be at once enabled to raise a loan in a foreign land⁶; and in later ages, in the imaginary letters of Alciphron, the Atticist who in the latter part of the second century of our era attempted to revive the memories of the times of Menander, we find the vulgar money-lender contrasted with a banker of blameless reputation, who bears the appropriate name of Pasion⁷.

¹ Isocr. Trapsez. § 41.
² Or. 45 § 86.
³ Or. 86 § 47, Or. 46 § 15, Or. 53 § 18, Or. 59 § 2 ψηφωνα-μένου τοῦ δήμου τοῦ Ἀθηναίων Ἀθηναίων εἶναι Πασίων καὶ ἐκ-γόνου τοῦ ἐκείνου διὰ τὰς ευφο-γεστίας τὰς εἰς τὴν τόλμην.
⁴ Or. 49 πρὸς Τμήδεον ὑπὲρ χρέως. Cf. note on Or. 38 § 53, p. 42.
⁵ Or. 27 § 11.
⁶ Or. 50 § 56 διὰ τὸ Πασίωνος εἶναι καὶ ἐκείνον ἐκείνου διὰ τὸν πολιτείας καὶ πιστεύουσας ἐν τῇ Ἑλλάδi ὡς ἡπόρους, διὸν δεδεμένην δεσποινοῦσαν.
⁷ Alciphron iii. 3. See note on Or. 45 § 70.—Mr Mahaffy in his Social Greece gives a slight sketch of Pasion, to illustrate
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Pasion, in his old age, finding his eyesight failing him, and being only able to walk with difficulty up to Athens from his bank in the Peiraeus, four or five miles distant, transferred his business, including not only his bank but also his shield-manufactory, on lease to his managing clerk Phormio, who, like his employer, was himself originally a slave and obtained his freedom as the reward of honest service. We read of him as a generous and energetic man of business, and his skilful management is said to have been the very saving of the property of his former master. From the nature of the case, and from certain chronological considerations besides, it may be concluded that the lease to Phormio belongs to a date before, but not long before, Pasion's death in B.C. 370. In B.C. 372, we find the latter still managing his business on his own account, and we may therefore fix on B.C. 371 as the probable date of the lease. Pasion left behind him a widow, Archippe by name, and two sons by her, the elder, Apollodorus, who was four-and-twenty years old at his father's death, and the younger, Pasicles, who came of age eight years after (namely, in B.C. 362). In his will he provided that his widow should be married to Phormio, with a dowry of two talents (about £486), a dwelling-house valued at one hundred minae (about £400), maid-servants, gold ornaments and all that formerly belonged to his wife. By

the business habits of the Greeks, pp. 382—6.

1 Or. 52 § 13 quoted in note on Or. 36 § 7.
2 Or. 36 § 4, Or. 45 § 33.
3 Or. 45 §§ 71—76.
4 Or. 36 § 30.
5 Or. 36 §§ 49—53.
6 Or. 46 § 13 ἦλθι Διονύσιον ἀξιωτος, Ol. 102, 8.

7 Or. 49 §§ 29, 59. In the archonship of Cleisthenes, Ol. 102, 1 (Arnold Schaefer, Dem. u. Z., iii. 2 p. 132).
8 Or. 45 § 74.
9 Or. 36 § 22.
10 Or. 36 §§ 10 and 37 compared together (A. Schaefer, u. s.).
11 Or. 45 § 28 ad fin.
this will, Phormio also became one of the guardians to Pasion's younger son, Pasicles. He was to continue lessee of the bank and shield-manufactory until Pasicles came of age, and it was the father's wish that until that time the property should remain undivided. Owing, however, to the extravagance of the elder son, the guardians, acting in the interests of their ward, determined on a partition of all the property, with the exception of the bank and shield-manufactory leased to Phormio, half the rent of which was paid to Apollodorus, and half reserved for Pasicles, the minor.

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

In B.C. 362, when Pasicles came of age, his guardians gave an account of their trust, which was acknowledged as correct, and Phormio's lease of the bank and manufactory terminated with a discharge given him on the part of Apollodorus from all liabilities under the lease. The elder brother then, having the prior choice, took the manufactory, leaving the banking business to his younger brother. For a short time the brothers appear to have superintended their property in person; but not long

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1 Or. 36 §§ 8—10, § 34. note 2 on p. lii. infra.
2 Or. 49 § 42.
3 Or. 45 §§ 3, 4.
4 Or. 45 §§ 8, 4.
5 Or. 36 §§ 3; 46 § 21. See or. 36 §§ 10, 11.
INTRODUCTION TO OR. XXXVI.

after, possibly a year subsequent to the partition, a new lease of the bank was granted to certain persons, who jointly paid each of the two brothers a talent a year (£486 in all), a sum less by two-thirds of a talent (£163) than the rent paid by Phormio. This second lease was granted not by Pasicles alone, but by Apollodorus acting in conjunction with his younger brother, either to protect his inexperience, or (it is to be feared) to take advantage of it, since we observe that though the bank belonged to the younger brother, the elder had his reward in the receipt of half the rent paid by the new lessees.

Phormio, meanwhile, being quit of his trust as guardian, and of his lease of the bank and manufactory, established a banking business on his own account, and, like his former master, Pasion, obtained a recognition of the general esteem in which he was held, by being presented with the citizenship. The date of this event was B.C. 361. In the year B.C. 360, after a protracted service as trierarch in the northern Aegean and the neighbouring waters, Apollodorus returned to Athens to find his mother at death’s door; she died six days after; but not before she had seen and recognised her son, though according to his own account she was unable to make such provision for him as she had intended.

The mother’s death was the signal for a fresh outbreak of the differences between Apollodorus and his step-father Phormio. The step-son put in a claim for 3000 drachmae (about £120), which was submitted to arbitrators, who established the claim and induced Phormio for quietness’ sake to pay it to Apollodorus. The latter then gave Phormio a second release from all claims.

1 Or. 36 § 51 and 38.
2 Or. 36 §§ 12, 13, 37.
3 Or. 46 § 13, ἐνιαυτά τινι Νικοφήμου
4 Or. 50 § 60 quoted in note on Or. 36 § 14.
5 Or. 36 §§ 15—17.
6 ἐνιαυτός, οἷς 104, 4.

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Phormio, however, had not yet seen the last of his litigious step-son; the latter, after numerous lawsuits with his father's debtors, in which he succeeded in recovering no less than 20 talents (£4800)\(^1\), was at last prompted, by pecuniary exigencies due to his extravagance, and by feelings of envy at Phormio's prosperity, to put in a claim about twenty years after the father's death for another sum of 20 talents, alleged to have been transferred to Phormio by the father as part of the working capital (αφορμῆ) of the business\(^2\).

The defendant expected that Apollodorus' contention, that Phormio must have received such capital, would be supported by presumptive proofs alone. He would argue that, without such a fund, it was incredible that Phormio, who was merely a liberated slave, should have managed the business and risen to opulence, while he himself, a rich man's son, had been reduced to penury (§ 43). To give stronger proof than these a priori probabilities had been made impossible, he would assert, by Phormio's having induced his wife to destroy Pasion's papers (§ 18); he would also denounce the lease and the will as forgeries, and would make out that it was only while Phormio promised him a high rent, that he kept silence on his claim, but as he had not fulfilled these promises, he was compelled to bring the case before the court (§ 33).

The arguments here anticipated by the defendant appear again in the first speech against Stephanus (Or. 45), a speech arising out of the present lawsuit. The case

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\(^1\) Or. 36 § 36.

\(^2\) Why twenty talents were claimed does not appear, but we may conjecture that that amount arose out of the eleven talents mentioned in Or. 36 § 11, with the addition of interest. Phormio's lease lasted for 8 years; 11 talents, at say 10 per cent. simple interest (not an uncommon rate at Athens), would with the interest amount to exactly 20 talents in 8 years (and a fraction of a year over, \(\frac{1}{12}\)).
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came in the first instance before an arbitrator, Tisias\(^1\) by name, but was left undecided by him, and was accordingly brought before a public tribunal. The writer of the Greek argument, generally supposed to be Libanius, calls the suit a δίκη ἀφορμῆς, though it has been doubted whether there is any ancient authority for the existence of such a suit under that designation\(^6\). However, the phrase ἀφορμῆς ἐγκαλεῖν occurs in the speech itself (§ 12), referring to the plaintiff's claim to the capital of the bank.

To meet this claim, Phormio, instead of waiting for the plaintiff to bring his case before the court and then confronting his opponent with a direct denial and joining issue on the merits, preferred putting in a special plea in bar of action, a plea technically known in Greek law as a παραγραφή, shewing cause on the part of the defendant why the case should not be allowed to come on for trial at all. The two pleas urged on the defendant's behalf are (1) that the plaintiff had given him a discharge from the original lease of the bank and manufactory, and also a second discharge from a subsequent claim settled by arbitration (§§ 23—25); (2) that the plaintiff's suit contravened the statute of limitations, in which the term of five years was fixed as a sufficient time for injured parties to recover their dues, whereas the plaintiff was putting in a claim after the lapse of more than twenty years from the date of the lease (§ 26). To maintain these pleas is the object of the speech pro Phormione, though it is only a small portion of it that is directly concerned with them, such technical pleadings being naturally unpopular with juries, who regarded them as mere make-shifts, to gain

\(^1\) Or. 45 § 10.
\(^6\) Dareste, les plaidoyers civils de Dem. n. 146: 'Est-il vrai que les Athéniens eussent créé une action spéciale pour les affaires de ce genre?' But cf. Caille-mer, le contrat de prêt à Athènes, p. 28—31, where δίκη ἀφορμῆς is distinguished from δίκη ἀπογραφήν, δίκη χρέων and other terms, and accepted without suspicion as a term of Attic law.
time and evade the ends of justice. Hence a large part of the speech is devoted to arguing on the case itself, thus proving that the defendant’s resort to special pleading was not due to any fear of meeting the plaintiff on the main issue. All this was of course irrelevant to the real question before the court, and counsel would hardly be permitted by any judge now-a-days to travel so widely out of the ‘record.’ In such a case, the defendant spoke first; thus, while he was under the slight disadvantage of the *onus probandi*, he had on the other hand the benefit of the first hearing, and might at once produce a favourable impression of the strength of his case, which would put a stop to further litigation.

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

¹ See note on Or. 36 Arg. line 25 ad fin.: The writer of the life of Demosthenes in the *Orations on the Crown* published by the Clarendon Press appears to have overlooked this in stating: ‘it is clear that in the speech to which Demosthenes, in behalf of Phormion, composed a reply, Apollodorus had dwelt much on the fact of Phormion having been his father’s slave’ (p. xxxiii). Apollodorus did not address the court at all; he could not speak before the case, for the special plea had been opened on the side of the defendant, and the jury would not listen to him after.


³ It is unnecessary in this place to give a detailed account of the speech itself, as its contents are analysed in the italicised abstracts printed at con-
The speech contains several notes of time which approximately determine the date of its delivery. In § 26 we are told that 'more than twenty years' have elapsed since the lease granted by Pasion; in § 19 we find that 'eighteen years' have passed since the partition of the property effected by the guardians in consequence of the extravagance of Apollodorus; and in § 38 the same period is described in general terms as 'about twenty years.' Pasion died in B.C. 370 and the above indications point to the year B.C. 350 as the probable date of the speech. As we have already observed, the lease would be granted to Phormio before B.C. 370, and probably after B.C. 372, i.e. in B.C. 371. Thus 21 years would have passed since the grant of the lease. At first sight the term of eighteen years above mentioned might seem to point to B.C. 352⁴, but it appears certain that the partition of property was not effected immediately after the death of Pasion; as some allowance must be made for the time during which the extravagance of Apollodorus was running its course (§ 8), before the guardians came to the conclusion that a partition of the property was inevitable; and the term of eighteen years is reckoned, it will be observed, not from the death of Pasion but from the division of his estate.

Again, the speech of Apollodorus against Nicostratus, § 13, shews that after his return from his Sicilian trierarchy which on independent grounds may be placed in B.C. 368, he was not yet in possession of his share of the estate, as he was compelled to raise money on the security

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¹ This date is accepted by Droysen (Zeitschrift für d. Alterthumswissenschaft 1889 p. 980), Hornbostel (Apoll. p. 30), and A. Schaefer (u. s., p. 168 —9).
of his house and to pledge some of his plate; we may therefore conclude that the partition was not earlier than B.c. 368, and the ‘eighteen years’ bring us once more to B.C. 350 as the date of the speech.

Further, the lease of Phormio lasted eight, that of the subsequent lessees, ten years; but it would be far from correct to assume that this points to the lapse of only eighteen years from the death of Pasion to the delivery of the speech, and consequently to B.C. 352 for the date of the latter; for (1) the previous lease began before the death of Pasion, (2) the subsequent lease does not appear to have followed immediately on the expiration of the first lease\(^1\), and (3) the second lease had terminated before the date of the speech\(^2\). The date B.C. 352, besides being open to the objection that the phrase ‘more than twenty years’ has to be explained away as a round number, in other words as equivalent to less than twenty years, only just allows time for the two leases, with no margin over, either for the interval between the first and second, or for the further interval after the second; while B.C. 350 is consistent with both these data\(^3\).

The only difficulty in our accepting this date arises from the reference to Callippus in § 53, as then alive in Sicily. Now Callippus left that island for Rhegium in the spring of B.C. 350 at the latest, and was killed in the same year. This would reduce us to the

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\(^1\) § 11 εὐθὺς ὅπερ ἀφώναν τοῦτου τῆς μαθώσως ἔρημουται τὴν τραπεζαν κ.τ.λ., § 15 ἐπιστημον ὁ ἀρχερ Ζένων κ.τ.λ.

\(^2\) § 14 εὐνομονύ αφώνα...καὶ οὐκ ἐπικατηγοροῦντο καὶ ἐκεῖνοι τὸν οὖς τοῦτο.

\(^3\) This date is supported by Fynes Clinton, Böhnecke (Forschungen auf dem Gebiete der Attischen Redner, i. 43. 67), Imm. Hermann (de tempore, f. c. p. 11 and eingliedende Bermerkungen zu Dem. paragraph. Reden p. 16), Behdantz (Jahns neue Jahrh. xxx. p. 505), Loritzing (Apoll. p. 16—18), and Sigg (Apoll. ap. Jahrh. f. class. Philol. Suppl. Bd. vi. Hft. 2 p. 406—9).
alternative of either supposing that the news of these events had not yet reached Athens, or resorting to the heroic remedy of striking out the words as spurious\(^1\). Otherwise, it may be worth while to suggest as the date the latter part of B.C. 351; this would involve our reckoning the term of 'more than twenty years' from the beginning of B.C. 371 to the end of B.C. 351 inclusive, and similarly the eighteen years from the partition would be counted inclusively from B.C. 368 to B.C. 351.

The speech is undoubtedly the genuine work of Demosthenes; this is proved not only by the testimony of Aeschines\(^2\) but by the frequent quotations of ancient lexicographers and grammarians, and the internal evidence is equally conclusive. It holds a high place in his Private Orations; among the merits of its earlier portions may be noticed the closeness of its reasoning and the lucid arrangement of its argument, while its later portions are rendered interesting by the strong invective of the personal attack on the plaintiff and the dignified tone of the appeal to the court in favour of the defendant. All the points are supported by evidence, and except where the public services of the defendant are apparently unduly depreciated\(^3\), there is every evidence of fairness on the part of the speaker. It is a forcible oration, in which we clearly recognize the characteristic feature that gives Demosthenes the superiority over Lysias, the great master of clear narration, and over his own instructor Isaeus, the best lawyer of all the Attic orators, namely,

\(^1\) This has been proposed by Sigg n. s., p. 408, who objects to them as breaking the symmetry of the sentence οὐχὶ Τιμωμάχου κατηγορεῖ; οὐχὶ Καλλίπου; οὐ πάλιν Μένωνος; οὐκ Ἀὔτοκλάτος; οὐ Τιμοθέου; οὐκ Ἀλλων τολλων; We here have six rhetorical questions divided into a set of two beginning with οὐχὶ, and a set of four beginning with οὐ. The transition from the former to the latter is marked by πάλιν.

\(^2\) de fals. leg. § 165, quoted in full on p. xxxvii.

\(^3\) See §§ 39—42 with notes, and esp. A. Schaefer, n. s., p. 168.
the ethical warmth of colouring, by which the dullest
details are lit up with a fresh life and interest\(^1\).

The result was decisive; the court, according to the
statement of Apollodorus himself, upheld the plea of the
defendant, and refused to listen to any reply on the part
of the plaintiff. More than four-fifths of the jury must
have voted for the defendant, as we learn that the
plaintiff was condemned to pay the \(\pi\omega\beta\epsilon\alpha\), i.e. a sixth
part of the twenty talents claimed, a fine amounting in
this case to about £810. We are not surprised to learn
that the plaintiff left the court in high dudgeon (Or. 45
§ 6).

\(^1\) \textit{die ethische Wärme welche selbst einem nüchternen Stoffe} \textit{Leben verleiht. A. Schaefer, u.s., p. 168.}
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Or. xlv

KATA ΣΤΕΦΑΝΟΥ

ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ Α.

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

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

1 Or. 49 § 56, Or. 47 § 1.
INTRODUCTION TO OR. XLV.

Apollodorus and Phormio; he simply attested a point which was, strictly speaking, irrelevant to the special plea and really belonged to the main issue. He was called, with others, to prove a legal challenge\(^1\) given by Phormio to Apollodorus, demanding that, if the latter declined to admit that a document put in evidence by Phormio was a copy of Pasion’s will, Apollodorus should himself open the original; he deposed that Apollodorus declined to open it, and further that the said copy was a counterpart of the original\(^2\).

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

He next argues that the terms of the ‘will’ prove it was forged by Phormio in his own interests (§§ 27—28), that the ‘will’ was inconsistent with the ‘lease,’ that the latter was also a fabrication (§§ 29—36), and that the discharge pleaded by Phormio was false (§§ 40—42). In anticipation of the defendant’s probable reply, that his

\(^1\) Or. 36 § 7.  
\(^2\) Or. 46 § 10.  
\(^3\) nur einige schwache, ja ganz
responsibility is limited to two points only, (1) Phormio’s
giving the challenge, and (2) the plaintiff’s refusal of it,
the plaintiff insists on binding the defendant to the exact
terms of his testimony (§§ 43—46). He further submits
that, if in the reply any attempt is made to denounce his
original action as fraudulent, all such reference to the past
must be suppressed by the court as irrelevant to the issue
before it (§§ 47—50). If the defendant urged it was not
his own evidence, bearing as it did on the main issue, but
that of those who gave witness to the special plea, that
was fatal to the plaintiff in the former trial; the answer
was, that the evidence on the main issue crippled his case
on the special plea (§§ 51—52).

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

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

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

The defendant Stephanus replied at considerable length\(^1\). The purport of his defence appears to have been very much what the plaintiff had anticipated in §§ 43—46. In particular, he contended that he was responsible for testifying to the challenge alone and not for any further details incidentally included in his evidence. The existence of the will had been attested by other witnesses than himself, and the court's acceptance of Phormio's special plea was due to their evidence on the main issue, and also to the evidence given by others on the plea itself, proving the original lease and the subsequent discharge.

\(^1\) Or. 46 § 1.
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INTRODUCTION TO

Or. xlvi

KATA ΣΤΕΦΑΝΟΥ

ΦΕΥΔΟΜΑΡΤΥΡΙΩΝ Β.

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

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

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

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

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

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

1 Lortzing, *Apoll.* p. 82—3; Dareste, u. a., ii. p. 293.

2 Or. 49 (Timoth.) § 42.

3 *Beide reden, ganz besonders aber die zweite, sind voll bloßer sophismen und spiegel fechterei so handgreiflicher und oft fast lüsterlicher art, dass u. a. w. Sigg., *Apoll.* p. 412 and A. Schaefer, u. a., p. 177.
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On the authorship of the Two Speeches against Stephanus.

We have seen that the authorship of the speech pro Phormione is undisputed; it is doubtless the genuine work of the great orator himself. Whether he is also the writer of both, or at any rate the first, of the two speeches against Stephanus, and of the others delivered by Apollodorus, which have come down to us among the works of Demosthenes¹, is a vexed question, an exhaustive treatment of which would demand an elaborate treatise beyond the compass of the present introduction. All that can here be offered is a brief discussion keeping in view, and where necessary correcting and supplementing, the arguments suggested by previous writers on the subject, and tested by the results of an independent investigation.

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

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

¹ The speeches by Apollodorus (with the dates assigned to them by A. Schaefer) are Or. 52 πρὸς Κάλλιπτων, b.c. 369—8; Or. 53 πρὸς Νικόστρατον, after b.c. 368; Or. 49 πρὸς Τιμάθεου ὑπὲρ Χέλων, b.c. 362; Or. 50, πρὸς Πολυκλῆς περὶ τοῦ ἐνὶ τριμηθᾶματος, about b.c. 357; Or. 45 and 46, κατὰ Στεφάνου ψευδομαρτυριῶν α' and β', about b.c. 351; Or. 59 κατὰ Νειάρας, after b.c. 343;—Or. 47, κατὰ Εὐέργου καὶ Μηνασιβόλου was delivered after b.c. 356, but not by Apollodorus, though it was probably written by the same orator as most, if not all of the above-mentioned speeches, and possibly by Apollodorus himself.
the first place we must set a passage in Aeschines in which he
denounces the orator as a traitor, charges him with writing for
a pecuniary consideration a speech for Phormio the banker and
with shewing this speech to Apollodorus, who was then prosecuting
Phormio on a charge imperilling his status as a free man\footnote{Aeschines, de falsa legatione § 165, τὸν δ' ἄγαθον σύμ-
βουλον τῇ χρή τοις; οὐ τῇ τόλει πρὸς τὸ πάρον τὰ βέλτιστα συμ-
βουλεύειν: τὸν δὲ παραδόν κατη-
γορὸν τῇ χρή λέγειν; οὐ τοὺς
καρδιὰς ἀποκεφαλίσκειν τῷ πρὸς
ἐνώς κατηγορεῖν; τὸν δὲ ἐκ φόνον
προβάλλει τῷ χρή θεωρεῖν: ἢ ἐρᾷ
γε οὐ σὺ τοῖς ἐνυπνάσαι καὶ
πιστεύσαι κέχροισι, λόγου εἰς
δικαστήρια γράφοντα μαθῆσαι τῷ
τοῦτον ἔφερει τοῖς ἀντιδίκαις; εἰ-
γράψας λόγον Φορμίων τῷ τρα-
πείτης χρήματα λαβὼν τοῦτον
d' ἢφθανετο Ἀπολλόδωρος τῷ περὶ
tοῦ σώματος κρίνοντι Φονίων.}

Ibid. contra Oesiphontem § 178,
περὶ δὲ τὴν καθ' ἡμέραν διατηρ
τῆς ἑστὶν: εἰ τριμερὸς λογο-
γράφος ἀνεφάση, τὰ πατρώα κατα-
γιέλλως προέμενον: ἀργυρὸς δὲ
cαι περὶ ταῦτα διὰς εἰναι καὶ
tοὺς λόγους ἔφερει τοῖς ἀντι-
δίκαιοις ἄντιθέτησεν ἐκ τοῦ βῆμα.
\footnote{A. Schaefer, u. a., III. 2 p.
178, and Behdanz; there re-
ferred to.}

P. S. D. II.
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Ctesiphonem, we venture to think that, if he had had any ground whatever for asserting that Demosthenes actually wrote a speech for Apollodorus, and virtually against Phormio, though nominally against one of his witnesses only, he would certainly have seized his opportunity and made the very most of so damaging a fact. But he says no such thing; and even Deinarchus, another strong opponent of Demosthenes, makes no such charge against him, though he has an opening for so doing in a passage in which he refers to the orator's 'delivering' a speech for Phormio.

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

The insertion of the speeches against Stephanus among the works of Demosthenes may perhaps be accounted for by the conjecture that Callimachus, who, as head of the Alexandrine library, undertook the prodigious task of settling the canon, had read in the course of their studies.

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1 Deinarchus contra Demosth. § 111 p. 108, εὑρήσετε...τούτων αὐτῷ λογογράφου καὶ μηθοῦ τὰς δίκας λέγοντος τῆς Ἐλευσίνης καὶ Φορμίωνος καὶ έτέρων πολλῶν πλουσιώτατον διὰ τῶν ἐν τῇ πόλει. A recent editor of Deinarchus, Dr F. Blass, writes to me suggesting that the passage is interpolated. Deinarchus, he conjectures, wrote only καὶ μιθοῦ τὰς δίκας λέγοντος; had he wanted to enter into detail, he must have added 'Phormio the banker' and 'Ctesippus the son of Chabrias,' because these cases were by that time probably forgotten. The bare addition τῆς Ἐλευσίνης καὶ Φορμίωνος καὶ έτέρων πολλῶν is, he says, exactly what a grammarian would insert to remind his pupils of the speeches they
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of the Attic Orators, may have been misled either by the passage of Aeschines above quoted, or by the partial resemblance of the first speech to the style of the orator, into supposing that Demosthenes himself was the writer; or again may have included them among his orations as illustrative of his genuine works. That there was once a time when Apollodorus himself was regarded as the writer of the orations spoken by him which have been handed down to us among the works of Demosthenes, may perhaps be fairly concluded from a scholium on the passage of Aeschines above referred to, noting from this it is clear that the speeches referring to the estate of Apollodorus are not written by him, but by Demosthenes. Thus, Plutarch’s story of the duplicity of Demosthenes, which with slight variations is repeated by still later writers, may have originated in a misunderstanding of the language of his enemy’s accusation; the phraseology used by one of them in particular (Zosimus by name, a grammarian who, if we credit the conjecture attributing to him part of the scholia on Aeschines, may have actually written the scholia in question,) shows how easily, even before his time, Callimachus and Plutarch may have been misled by a careless expansion of the language of the orator’s rival—language which we have little hesitation in regarding as the original source of the subsequent tradition.

The argument from internal evidence is more intricate, and the style of all the orations delivered by Apollodorus has been discussed with much minuteness by several modern critics. Without entering, however, into undue detail on those speeches which

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1 Rehdantz ap. A. Schaefer, u. s., p. 317—322.
2 Aesch. ed. Schultz, p. 311, εκ τούτου δέλαν ὡς καὶ οἱ περὶ τὴν σκίαν (ως καὶ coniectit A. Schaefer) Ἀπολλοδόρων λόγοι οὕτω Β. Ἀπολλοδόρων ἀλλὰ Δημοσθένους. The rhetorician Tiberius, περὶ σχημάτων c. 14 (referred to by A. Schaefer), quotes from Or. 45 § 88, and introduces his citation with the name not of Demosthenes but of Apollodorus, καὶ περὶ Ἀπολλοδόρων ἕγω γάρ—οὐκ ύπά, though he professes in c. 1 to confine himself to δεν παρά Δημοσθένει κατενοήσαμεν. In c. 81 he begins an extract from Or. 36 § 82 with the words, ἐν τῷ ὑπὲρ Φορμίωνος πρὸς τὸν Ἀπολλοδόρον.
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are not included in the present volume, we may briefly state certain peculiarities of diction to which Arnold Schaefer, who, in his admirable work on the Life and Times of Demosthenes, was the first to treat the subject systematically, has specially drawn attention, as running through all the speeches delivered by Apollodorus, and distinguishing them from the genuine writings of Demosthenes.¹

We find, then, a feebleness of expression shewing itself in repetitions of the same word within short intervals from one another; this clumsiness is most noticeable in the case of the pronouns ωτός and αὐτὸς². Again, clause after clause begins with the same relative pronoun, or the same hypothetical particle.³ Such carelessness of expression is naturally attended by looseness of rhythm; thus, tested by the frequency of hiatus, the speeches delivered by Apollodorus are inferior in composition to the certainly genuine speeches of Demosthenes, though an exception must be made in favour of the first speech against Stephanus.⁴ Even this speech supplies instances of unrhythmical construction⁵, and examples of anacoluthon or bad writing; and in particular an awkward combination of participles may be noticed in the first as well as in the second oration.⁶

¹ A. Schaefer Dem. u.s. Zeit, iii. 2. 184—199, Der Verfasser der von Apollodor gehaltenen Reden 1858. Since then, the subject has been elaborately discussed by F. Lortzing (1869) and J. Sigg (1873). For the full titles of their treatises, see p. xvi.
² Or. 45 § 4, γεγομένου... γίγνομαι... ἐγέγονο, ib. § 63, σοφιστεύω... βάλων. — Or. 46 § 28, διαθῆκων... διαθέκων... διαθῆκων... διαθέκων. Similarly in § 2, διαπεπεμένω τῷ παρέ, is thrice repeated and διαπεπεμένω διάθηκα twice. For other repetitions see §§ 3, 5, 8, 25.
³ Or. 45 § 64, τοῦτο... τοῦτο... τοῦτο... τοῦτο, § 86, εάντων... τοῦτο... εάντων... ταῦτα... τοῦτο, and similarly § 84, § 83.—Or. 46 § 21, τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο, and § 6. But cf. Or. 36 §§ 12 and 42.
⁴ Or. 45 § 49 εὗτος... εὗτος... εὗτος... εὗτος... εὗτος... εὗτος. τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο... τοῦτο. Though common in the genuine orations occurs 14 times at least in the 29 sections of Or. 46. 'Non negari potest vividioribus transgrediendi figuris, quibus D. excelsit, carere nostra orationes' Lortzing p. 38.
⁵ Benseler de hiatus p. 147, auctor alterius orationis (Or. 45) sermonem ita conformare solebat, ut vocalium concursus evitaretur et auctor alterius (Or. 46) ita ut hiatus non evitaretur.
⁶ The passage referred to is in § 68, εὖ γὰρ—προσελθών τρώγων, but the object is perhaps hypercritical. For anacoluthon, cf. Or. 45 § 8; for bad writing, Or. 46 § 17.
⁷ Or. 45 § 83, Or. 46 § 18 (Lortzing p. 88, 89).
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On passing to the question of the degree of mastery over the subject-matter and the general argument displayed in the various speeches, a distinction may be drawn between the earlier speeches on the one hand (e.g. those against Polyclees and Timotheus) where the narrative is monotonous and tedious, and the conclusion somewhat lame and feeble; and the two speeches against Stephanus, which shew signs of an improvement which Schaefer ascribes to the prolonged experience in litigation which the speaker had enjoyed since his earlier efforts. The general style of all these orations, differing as it does from that of Demosthenes, and bearing marks of a kind of consistency of its own, points (so Schaefer suggests) to one person as the writer of them all, and that person in all probability Apollodorus himself. He often appeared before the law-courts not only in private suits on his own account, but also in public causes; and, when he was a member of the Council, he made important proposals, and brought them before the general assembly of the people. Even assuming that he resorted to others for assistance in his private lawsuits, yet, as soon as he appeared in a more public character, he would find it necessary to speak for himself, and without some oratorical ability he could hardly have undertaken so many public causes. In the second speech against Stephanus we find him pluming himself on his cleverness; and in that against Neera he is called upon to address the court on behalf of a younger and less experienced speaker. Apollodorus obviously laid himself out for attempting to play a prominent part at Athens; in the pro Phormione the jury are specially warned against his loud and impudent self-assertion, and elsewhere we even find him apologising for his loudness of voice (as well as his hurried gait and ill-favoured countenance), as his misfortune and not his fault.

1 § 17 οὐδὲ ἔδωκον ἐμὲ οὕτως δεινὸν ἔσεσθαι ὅτε ταύτα ἀκριβῶς ἐξετάσαι.
2 Or. 59 § 14, νῦν οὕτα καὶ ἄπειρος ἔχοντα τοῦ λέγειν, while Apollodorus πρεσβύτερος ἐστι... καὶ ἐμπαθητος ἔχει τῶν νόμων.
3 Or. 86 § 61, κρανγὴ καὶ ἀνδρεία.
4 Or. 45 § 77. A. Schaefer understands the passage differently; after referring to the loudness of voice attributed to Apoll. in Or. 86, he continues: 'Wenn dagegen Apollodor erklärt: Ich rechne mich selber, was Gesichtsbildung, raschen Gang und laute Rede betrifft, nicht unter die von der Natur glücklich begabten..., so will er damit nur ein selbstgefelliges prunken und stolzieren, von sich ablehnen ohne andeuten zu wollen, er sei Missgestalt.
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Such then is the general drift of the arguments, to which a brief sketch can only do imperfect justice, which lead Schaefer to the conclusion that the speeches against Callippus, Nicostratus, Timotheus, Polycles, Euergetes and Mnesibulus; both of those in prosecution of Stephanus; and lastly, that in accusation of Neaera; which were delivered in the above chronological order between the years B.C. 369 and 343, were all composed by one person, who had a distinctive style of his own, and that person probably Apollodorus himself, with whose transactions no less than seven of these speeches are concerned.

The above conclusion is however open to criticism on the ground that it gives no adequate account of the incomparable superiority of the first speech against Stephanus, not only to the others delivered by Apollodorus, but in particular to the second speech in the very same trial. It is marked by a closeness of argument, and a forcefulness of invective, worthy of a far abler writer than the composer of the other speeches. It seems futile to explain this superiority by ascribing it to a gradual improvement in the speaker's rhetorical ability brought about by time and experience, when the second speech is so meagre and lifeless, and when the last of the series, namely that in Neaera, instead of showing any advance as compared with the first speech against Stephanus is certainly inferior to it, and is characterized by a diffuseness and laxity of style, and by other faults besides. And again, the explanation that the second speech is only a δευτερολογία, and therefore inferior to the first, is hardly adequate. Hence, while we would ascribe the second to Apollodorus himself, and find in its constant quotations from the Athenian code of law a characteristic touch, reminding us of his legal learning as attested in the oration in Neaera, we are driven to the conclusion that in the first he had recourse to the assistance

1 A. Schaefer, u. a., p. 191. Prof. Schaefer, in a kind communication received since I wrote the above, endeavours to account for the greater polish of style shown in Or. 45 by the fact that Apollodorus had the strongest motives for doing his very best in his opening speech.

2 § 14, ἐμπεριστέρως ἐκ τῶν νόμων, and § 15 ὑπὲρ τῶν θεῶν καὶ τῶν νόμων καὶ τοῦ δίκαιου καὶ ἱμῶν αὐτῶν, compared with Or. 46 § 29 ὑπὲρ ἱμῶν αὐτῶν καὶ ἰμοῦ καὶ τοῦ δίκαιου καὶ τῶν νόμων.
of an ablest rhetorician than himself. There is scarcely sufficient proof that that rhetorician was Demosthenes, though it must be candidly admitted that of all the speeches delivered by Apollodorus, the one that on personal grounds is least likely to have been written by the composer of the oration for Apollodorus' opponent Phormio, is less far removed from the style of Demosthenes than any of the remainder, though again and again we have words never used by the orator himself in his undisputed writings. In one passage indeed (§ 77) we have a close parallel with the Pantaenetus (§ 55), which seems to point to a common authorship, and if the latter speech is rightly assigned to the year 346 or thereabouts, in other words, is placed after the speeches now under consideration, we can hardly explain the parallel except by the hypothesis of a common source, or else by the less probable assumption that Demosthenes, who was almost certainly the writer of the Pantaenetus, having heard or read the first speech against Stephanus, a speech directed virtually against his own client Phormio, borrowed from the phraseology of the latter oration, with which he was thus familiar. The Attic Orator, Hyperides, is known to have written one speech at least against Pasicles, who, though a brother of Apollodorus, took the side of his opponent Phormio, and a conjecture has been half hazarded that it was for Apollodorus that those speeches were composed; but there is no adequate reason for assigning the first speech against Stephanus to that orator, and a comparison with his four extant orations has led me to notice only one important coincidence of expression.

On the whole, then, we may conclude that the second speech was not only delivered by Apollodorus, but probably composed by him, that the first was written for him, probably not by Demosthenes, but by some rhetorician unknown to us, whose assistance he was led to secure either by the pressure of his other engagements, or by a consciousness of the difficulty of the task that was

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1 § 14 παροδομάτ, § 19 παρα-
πέτασμα, § 70 δοκητος (in sense 'houseless'), § 85 ἐπίχαρτος,
§ 63 and § 65 ἔντοπτες τιν (and also in Or. 59 Neer. § 43).
2 Or. 37 §§ 52, 55 quoted in
note on Or. 45 § 77. The note
involves an assumption that the
Pantaenetus was earlier than
the present speech; the reverse
is more likely to be correct.
3 κατὰ Πασιλέουν and πρὸς Πα-
σιλέα περὶ ἀντιδοτος Fragm.
4 Hornbostel, Apoll. p. 35.
5 Or. 45 § 74 ἀνεκδότους ἐν-
dον γιγαντόκειαν, compared with
Hyperides pp. 28. 4, ἀνεκδότου
ἐνδον καταγγέλακεν and pp. 27.
22, ἄγαμον ἐνδον καταγγέλακεν,
before him, and a mistrust of his own unaided ability to compose more than the legal rejoinder to the defendant's reply.

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

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

Again, it is urged that the first speech against Stephanus was written for a different trial to that on behalf of Phormio. This can hardly be regarded as an extenuating fact in favour of Demosthenes as the writer of the leading speech in both trials, since the second cause arose immediately out of the first, and there can be no question about the irreconcilable difference between the facts of the case as stated in the two orations, and the terms used in the one and the other in describing the character of Phormio. Even apart from motives of honour, the lower ground of expediency would, we presume, have sufficed to prevent Demosthenes from writing to defame the character of one who, by his opponent himself, was admitted to be a wealthy and prosperous man of business, and from supporting by preference the failing fortunes of an impoverished pettifogger.
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Such, then, at the very strongest, are the principal arguments that may be adduced against the genuineness of the two speeches against Stephanus. In conclusion, it is only fair to submit the only hypothesis on which it is not impossible that Demosthenes may after all be the real author of, at any rate, the first oration.

We have already seen that it is highly probable that the speech against Phormio belongs to the latter part of the year B.C. 351 (p. xxvii) and that the speeches against Stephanus may be fairly placed in the year B.C. 350. It was a year in which the efforts of Athens to recover Euboea and to protect Olynthus placed her in a position of grave financial embarrassment. To meet this, Apollodorus, as a member of the senate, moved a decree that it should be submitted to the vote of the public assembly whether the surplus of the revenue should be paid to the Theoric fund for religious festivals, or applied to the expenses of the war. The proposal was approved by the senate and accepted by the public assembly; and the latter passed a decree appropriating the surplus to military purposes. Hereupon one Stephanus, who is not to be identified with the defendant in the speeches before us, impeached Apollodorus on the ground of his having brought forward an illegal decree; and he obtained a verdict, which led to the fine of one talent (£243) being inflicted on Apollodorus. In this impeachment, Stephanus was probably the tool of Eubulus and the peace-party, and although there is no proof that Apollodorus acted at the suggestion of Demosthenes and the opposite party, the proposal of Apollodorus would doubtless meet with the orator’s approval, as is clear from the financial policy cautiously pronounced by the latter in the Olynthiae orations, and, when it was too late, carried to a successful issue twelve years afterwards in the autumn of 339, only one year before the catastrophe of Chaeroneia.

It may therefore be questioned whether political motives may

1 The archon eponymus of that year [Ol. 107, 3] was one Apollodorus, probably not the son of Pasion.
2 Or. 59 §§ 3—8, esp. § 4, διαχειρισμένος πάντως δήμου είτε δόξαι τα περί της χρήσεως στρατιωτικά είτε η θεωρία; Grote, H. G., chap. 83; Curtius, H. G., vol. v. p. 269 (Eng. Transl.); Hornbostel, Apoll. p. 39, 40; A. Schaefer, u.s. iii. 2, p. 180 and (for the chronology here followed) ib. p. 330. Some (e.g. Weil, harangues de Dem. p. 163) would place the Euboean expedition in B.C. 348, and Dr Blass would therefore place in that year the motion of Apollodorus and the delivery of Or. 45.
3 Olynth. iii. §§ 10—13.
not have induced Demosthenes to throw Phormio overboard and to support Apollodorus by writing the first speech against Stephanus. On this hypothesis it may be presumed that Apollodorus, having lost his lawsuit against Phormio owing to the powerful advocacy of Demosthenes, and being almost crushed by the consequences of his defeat, resorted to Demosthenes in the hope of recovering part at least of his resources, and proposed to run the risk of bringing forward his motion on the Theoric fund, on condition that the orator wrote him a speech against the obnoxious witness Stephanus.

A suggestive letter from Dr F. Blass of Königsberg (the author of several important works on Greek Oratory) has recently reached me, supporting this hypothesis and also shewing that the style of the first speech against Stephanus, apart from its general resemblance to that of Demosthenes, coincides with it in a hitherto unnoticed peculiarity, that under certain limitations the orator generally avoids the juxtaposition of three or more short syllables, the exceptions being for the most part cases where the three syllables fall within the compass of a single word. To examine the minute criterion here proposed is beyond my present purpose; it is sufficient to state (as my learned correspondent would obviously acknowledge), that while its absence may suggest the spuriousness of any given oration, its presence does not prove its genuineness; and it is enough to admit that the testimony of Harpocratus is in favour of the Demosthenic authorship of the first speech (though the value of that testimony is impaired by his attributing the second speech to the same author); and that the parallelism of § 77 to a passage in the Pantaenetus already noticed is on the whole more easily explained by ascribing the first speech to Demosthenes than by any other hypothesis.

1 Sigg. Apoll. p. 415—432.
2 See p. 7 of his dissertation on the Letters ascribed to Demosthenes (just published, Oct. 1875).
3 See quotations in notes on Or. 45 §§ 1, 15, 63, 66, 74, 80, 84.
4 Cf. Or. 46 §§ 7, 11, 20.
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Or. liii

ΠΡΟΣ ΝΙΚΟΣΤΡΑΤΟΝ
ΠΕΡΙ ΑΝ∆ΡΑΠΟΔΩΝ ΑΠΟΓΡΑΦΗΣ
ΑΡΕΘΟΥΣΙΟΥ.

In this speech Apollodorus, the litigious son of Pasion, appears in support of a lawsuit arising out of an information laid against one Arethusius, for refusing to pay a fine due to the public chest. According to Athenian law, if a state-debtor concealed his effects, any citizen who discovered the fact was at liberty to draw up, and lay before the proper magistrate, a written statement containing an inventory or specification of the goods in question. The schedule thus drawn up was called an apographē, and this name was also given to the legal process in support of it. The informant, in the event of his making good his case, was entitled to the reward of three-fourths of the valuation (§ 2); if he failed, he was fined a thousand drachmae (about £40), and suffered a partial disfranchisement which prevented his appearing again as a prosecutor in a public cause (§ 1).

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

In three of the speeches of Lysias, the promoter of an ἀπογραφή appears as a plaintiff; in the present speech we should probably consider Apollodorus as defendant and Nicostratus as plaintiff. In the three former cases, the speaker was not in possession of the effects disputed; in the latter he apparently was; his opponent Nicostratus puts in a claim against him, and the speech before us will, in that case, be a speech for the defence.

Apollodorus states that Nicostratus was his neighbour in the country and formerly his trusted friend, that they had done kindly services for one another, and that in particular he had lent to Nicostratus, free of interest, a sum which he was himself compelled to raise on the security of part of his property. So far from being grateful, the borrower at once laid a plot to escape payment of his debt, made common cause with the opponents of Apollodorus, and induced a third party (one Lycidas) to bring against him a suit demanding that certain property should

1 Caillemer, s.v. Apographè, des Antiq. Lysias pro milite, in DAREMBERG and SAGLIO's Diet. de bonis Aristoph. e. Philocr.
be produced in court. Among those who were entered as witnesses to the delivery of the summons requiring him to appear in court, was Arethusius, a brother of Nicos- tratus, as above mentioned. The summons, it is alleged, was never served, consequently Apollodorus did not appear, and judgment went against him by default. Subsequently, Apollodorus prosecuted Arethusius for fraudulent citation (ψευδοκληρεία γραφῆ), which was regarded by Athenian law as a criminal offence, while on the contrary a witness in the cause itself as distinguished from one who attested a summons, was, if he gave false evidence, only liable to a civil action. Before the case came on, Arethusius committed several acts of outrage against Apollodorus, laid waste his orchard and violently assaulted him, and when the case for fraudulent citation, and apparently for the other criminal acts, was brought before the jury, Apollodorus, under these aggravating circumstances, obtained a verdict against Arethusius with the greatest ease. Indeed, it was only owing to the entreaties of his brothers, with the acquiescence of the prosecutor, who was unwilling to face the odium which would ensue, that Arethusius escaped the penalty of death, and had inflicted on him a fine of one talent (£243), for the payment of which his brothers became jointly responsible. Arethusius pleaded poverty and refused to pay; thereupon Apollodorus took the legal steps required (as above described) for the confiscation of his property, and in his specification claimed for the state, among other effects, two slaves as a partial security for the payment of the fine. Nicostratus resists this claim as

1 Harpocratus, quoted on p. 154, inaccurately uses the (possibly generic) term δίκη, instead of γραφῆ, with reference to ψευδοκληρεία.

2 Boeckh, Public Economy, ed. 2, i. p. 502, note g, while noticing that other criminal acts are involved, considers that the present passage proves that the punishment of death might be inflicted in a case of ψευδοκληρεία, but this seems scarcely probable.
regards the slaves in question and claims them as his own property, though even in that case, as the speaker points out, they should be confiscated, since Nicostratus had guaranteed the payment of the fine and had failed to make good his guarantee. In §§ 22—25 Apollodorus describes the unsuccessful attempt of his opponents to entrap him into accepting a legal challenge, which would have committed him to a virtual admission that the slaves were private property; and in §§ 19—21 calls evidence to prove, that the person recognized as the responsible owner of the slaves was Arethusius, and not the present claimant Nicostratus.

Passing from the general contents of the speech as above sketched, we may turn to a brief consideration of its literary style and special peculiarities. We are at once struck by the disproportionate space of twenty sections devoted to purely preliminary details, as contrasted with the short compass within which lies the real gist of the case. The long account of the reasons prompting the speaker to seek for revenge, is unlike the manner of Demosthenes, and a certain feebleness and diffuseness may be noted in the narrative immediately following the exordium. Among minor details may be observed a tendency to add unnecessary and superfluous clauses, defining more clearly what has just gone before. Again, we find needless repetitions within the compass of a single sentence; further, we have a certain clumsiness in the

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1 e.g. not content with Ἀρεθούσος, οὔτε ἐγέματο εἰς in § 2, the writer in § 10 has the words, Ἀρεθούσοςοὐ τάνδράτω ἐστὶ ταύτα ἀνὰ ἀναγέμαται, again in § 14 Ἀρεθούσοςοὔτε ἐστὶ τάνδράτω ταύτα, and similarly in § 19. The words in § 7 ἕδεικνυ οὗν βοηθησαί αὐτῷ ὅσπερ καὶ ἐν τῷ ἔμφροσθεν χρόνῳ ἦν περὶ αὐτῶν ἀληθίνος φίλος, are partially repeated in § 8 and § 12. Again in § 24, τὰς βασάνους is unnecessarily followed by the closer definition, ὅτι ἐποιεῖ τὸν ἄνθρωπον. (Cf. A. Schaefer, u. s., p. 187—190; Lortzing, Αρωλ. p. 80 etc.)

2 e.g. § 4, οἰκεῖως διεκείμεθα...
repetition of pronouns such as ἄντις and ἄντων; we observe a disproportionate number of harsh constructions, and it is curious to notice that a phrase occurring in this speech, which is unexamined in the undisputed writings of Demosthenes, finds its nearest parallels in speeches delivered like the present by Ἀπολλodorens. We may also trace a general resemblance to the style of that against Νεαρά, the greater part of which was delivered by the same person, a speech which it is impossible to attribute to the authorship of Demosthenes; and, lastly, there is a certain want of warmth in the peroration, unlike the vigorous style of the great orator himself.

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

1 § 6 ad init. ἄντων...τούτου...ἀντὶς...ἀντῶς. Also, ad fin. τούτου...τούτου...ἀντὶς...ἀντῶς. Cf. §§ 4 and 8.
2 See §§ 11, 12, 24, 29.
3 § 15, εβάδισον ἐπὶ τὸν κηπητήρα τὸν ὁμολογοῦσαν κελλητευκέπαι...τῇ ψευδοκλητείᾳ compared with Or. 49 § 56, μη...ἐπὶ τῶν κακοτεχνῶν ἔθνων; and esp. Or. 52 § 32, ἐπὶ τὸν Κηφαίαν βαδίσειν τὸν ὁμολογοῦσαν κεκομισθαι καὶ ἔχειν τὸ ἄργορον.
4 Or. 59 (κατὰ Νεαρᾶ) is condemned by ancient critics (ὑπὸν δότα καὶ πολλὰχθες τῇ τοῦ βίττορος δυνάμεις ἐνδεικτερον Ἀργ.). Among modern critics, Reiske is its sole supporter. Among the minor points of resemblance, apart from the general style, may be quoted Or. 59 § 16 ἄ μὲν ἠθικεμένος, ὥν ἀνδρεὶς ἄθηραιοι, ὡς Στεφάνων...ὡς δὲ ἐστι...τούτῳ ὑμῖν βοηλομαί σαφῶς ἐπιδείξας compared with Or. 58 (Νικοστρό) § 19 ἄ μὲν τοῖς ἄκοιμοις, ὥν ἀνδρεὶς δικασταί, ὥς ἄντων...ὡς δὲ ἐστι...ἐπιδείξας ὑμῖν (noticed by Rehdantz, vit. Iphicr. p. 194). Add Or. 59 § 14. Also the tedious references to the plea of revenge, Or. 59 § 1 ὅτι ὑπάρχων ἄλλα τιμωροῦμεν κ.τ.λ. and cf. § 19 ἐκ μικρῶν παιδίων with Or. 58 § 19, ἐκ μικρῶν παιδιῶν, while παιδάριον μικρὸν, though common enough in itself, also happens to occur in Or. 59 § 60.
5 ei γράφει s.v. ἀπογράφοι, quoted in note on § 1, p. 134.
the military reputation of the general of that name in the Peloponnesian War\(^1\).

We have now to consider the data for arriving at the time when the speech was delivered. In § 9, Apollodorus describes himself as short of money, owing to differences between himself and Phormio, who was keeping him out of the property left him by his father Pasion, who, it will be remembered, died in B.C. 370. Again, in § 14 we are told, that at the time of the events there related, Apollodorus had not yet brought to a preliminary hearing the suit he had instituted against his relatives (Phormio and others). The suit against Phormio respecting the banking capital (Or. 36) was brought on about B.C. 350. But a much more direct indication is given by a reference in § 5, to a trierarchy involving the speaker's absence from Athens; and it was shortly after his return that the events described in the context occurred. He had to sail round the south of the Peloponnesus, and after touching there to take certain ambassadors to Sicily. It seems probable that we should identify this trierarchy with that mentioned in Or. 45 § 3, which belongs either to B.C. 369 or B.C. 368\(^2\). The latter date is more pro-

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\(^1\) Plut. de gloria Atheniensium chap. 8.

\(^2\) Droysen (Zeitschrift für d. Alterthumswissenschaft 1889 p. 929) places the speech in Ol. 107, 1 [= B.C. 352—1], and Böhrcke (Forschungen p. 675) in Ol. 107, 2 [= B.C. 351—350]. They connect the Sicilian trierarchy of Apollodorus (1) with the despatch sent to Athens in Ol. 106, 3 [= B.C. 354—3] by a leading man in Syracuse, Callippus by name; and (2) with a request for assistance on the part of the Messenians, recorded by Pausanias (rv. 28. 2). Arnold Schaefer, however, points out that we have no authority for stating that the Athenians sent any reply to the overtures of Callippus by sending a special embassy to Sicily, and Apollodorus would have been the last man in the world to have anything to do with Callippus, who was his personal enemy (see note on Or. 36 § 53). Besides, Apollodorus would then be in the 40th year of his age, and would have had considerable experience of business, whereas when he undertook this trierarchy, and when he shortly after assisted Nicostratus, he was quite a young man and inexperienced
bable, not only for the reason given in the note on that passage, but also because at this period no one was required to be trierarch oftener than once in three years, and we know that Apollodorus was so employed in B.C. 362; hence he may have been trierarch in B.C. 365 and B.C. 368, and probably not in B.C. 369. Thus if we allow a fair interval of time, for the events mentioned in the speech subsequent to the trierarchy, we may fix on B.C. 366 as the probable date of its delivery. Now, if Demosthenes was born in B.C. 381, he was still a minor in B.C. 366 and too young to have been the writer of the speech; if, as is more probable, his birth was in B.C. 384, he was only just of age when the speech was delivered, and had enough to do in looking after his own affairs, and preparing, under the guidance of Isaeus, to join issue with his guardians, without writing speeches for other people. Consequently, the probable date of the speech, coinciding as it does with the internal evidence and with the doubts in the ways of the world (§§ 12—13). As Behdantz, who places the speech in B.C. 368, has seen (Jahn's Neue Jahrbücher LXX. 505), we must not refer the allusions in §§ 9 and 14 to the lawsuit of Apollodorus against Phormio which was met by the latter's special plea (Or. 36), but to the threatened litigation of the first few years after his father's death. Now, after the summer of 369 the Athenians, in consequence of help sent by Dionysius I. to his allies the Spartans, were engaged in negotiations with that tyrant which led to the conclusion of a peace and alliance. With these negotiations we may connect the Sicilian trierarchy of Apollodorus. The ambassadors whom he had on board could not confer with the Spartans without landing at Gytheion, as the Peloponnesus was for the most part in arms on the side of the Thebans. (Abridged from A. Schaefer, u. a., p. 145—8.)

\[1\] Cf. Sigg, Apoll, p. 404, who (with Lortzing) also draws attention to the indication of time in § 4 ἑπεκδέχθη ἐκτελέσθην ἀ παθῆ...χρόνον ἐπ' ἡβρααίους. But it is fair to remark that the subsequent expression ‘whenever I was abroad, either on public service as trierarch, or on my own account on some other business,’ while it is not necessarily inconsistent with a single voyage as trierarch, which is all we can assume if we place the period in B.C. 366, is better suited to a date which would allow of more than one absence on public service.

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of Harpocratin, makes it almost impossible to ascribe it to the authorship of Demosthenes.

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

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

The speech includes several passages of peculiar intricacy, in which the language of Athenian lawcourts and the vocabulary of Attic horticulture will demand special illustration in the course of the commentary¹. The knotty points of legal terminology, which may embarrass the beginner, may prove attractive to experts,

qui iuris nodos et legum aenigmata solvunt;

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

¹ pages 146—153.
INTRODUCTION TO

Or. Liv

ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ.

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

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

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

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

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1 Or. 87 (Pant.) § 33, ἕ μὲν αἰκία καὶ τὰ τῶν βιαίων πρὸς τοὺς τετταράκορα, ἀλὰ τῆς ὑβρεως (δικαι) πρὸς τοὺς θεμοβέταις. See esp. Caillémer in Dict. des Antiquités (Daremberg et Saglio) s.v. Aikias dikē.
graver crimes (§§ 13—20); and he submits that the plea of youth can only be urged in mitigation of punishment and is at any rate inapplicable to Conon himself, a man of more than fifty years of age, who, so far from restraining his sons and the other assailants, was actually the ringleader of them all (§§ 21—23). The defendant was amenable to the laws against highway robbery and brutal outrage and, had death ensued, would have been chargeable with murder (§§ 24, 25).

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

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

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

The only clue to the date of the speech is to be found in a passage in § 3, whence we conclude that it was delivered two years after orders were given at Athens for a military force to go out on garrison duty to Panactum, a fort on the Boeotian frontier. We read of such an expedition in B.C. 343'; and this would bring us to B.C. 341 as the year of the trial. It has been suggested, however, though no reason is assigned, that this is too late a year, and that there is warrant for believing there was regular military service, as opposed to a special expedition, on the Boeotian frontier in B.C. 357, to protect Attica from a diversion on the part of the Boeotians shortly before the Phocian war, during which there was no occasion for such precautions, as the Phocians kept the Boeotians occupied in another direction*. Thus, the military movements referred to in § 3 belong either to the time shortly before or that shortly after the Phocian war, in other words, either to B.C. 357 or 343, the speech being thus placed in B.C. 355 or 341 respectively. In the course of an Euxenus on p. 215, I have pointed out that the reference to the Triballi in the days of Conon's youth supplies us with a hitherto unnoticed coincidence in favour of the later date.

The speech has deservedly won the admiration of

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1 Dem. de fals. leg. (B.C. 348) § 326, περὶ...τῆς πρὸς Πανάκτου χώρας μεθ' ὄντων ἔρεχονθεν, ὁ ἦν ἦσαν Φωκείς σὺν οὐδεπώπων' ἐπυοῦσαιν.

ancient and modern critics alike. The orator Deinarchus is reported to have plagiarized from it\(^1\), the old grammarians often refer to it, the Greek writers on Rhetoric quote it more frequently than any of the other private orations, and in particular Dionysius of Halicarnassus, in his treatise on the eloquence of Demosthenes, after quoting a vivid description from the orator Lysias, one of the highest merits of whose style was the power of clear and graphic narration, selects for comparison the equally vivid passage in the present speech where the plaintiff describes the disorderly doings of his opponents in the camp at Panactum and in the market-place of Athens (§§ 3—9). His criticism is to the effect that the extract from Demosthenes is fully equal to that from Lysias in clearness, correctness, and perspicuity of style, in conciseness and terseness, in unadorned simplicity and in truthfulness of detail. He also commends the skill with which the language of the speaker is kept true to character, and appropriate to the subject, and finds in the narrative much of the winning persuasiveness, the charming grace, and the other merits of style that mark his quotation from Lysias\(^2\). A modern writer on the literature of the speeches of Demosthenes has well remarked that no selection from the Private Orations can be considered complete which does not include

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1 Ensebius, *Praepar. Evang.* quoting from Porphyry, *(περὶ τοῦ
κλέτας εἶναι τοὺς Ἑλλήνας)*, x. 8
p. 775 Migne, *Δείναρχος ἐν τῷ
πρῶτῳ κατὰ Κλεομέδουτα αἰκίας
πολλὰ μετενήροχεν αὐτῶς ὄνομα-
σιν, ἐκ τοῦ Δημοσθένους Μετὰ
(sic) Κόνωρος αἰκίας.

2 Plutarch, *de admir., vi di-
scendi Dem.* 18, ταύτα οὐ καθαρὰ
καὶ ἀκρίβη καὶ σαφῆ καὶ διὰ τῶν
κυρίων καὶ καυσὶν ὑμομάτων κατε-
σκευασμένα, ωστε τὰ Δυσὶαν;...
INTRODUCTION TO OR. LIV.

the Conon; and many years after that remark was made, it was excellently edited for school-reading with a brief German commentary by Westermann.

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

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INTRODUCTION TO OR. LIV.

of initiation completed, and were very good friends to the freshmen ever after.

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

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

might have replied, with Antonio,

Would you'ld pardon me,
I do not without danger walk these streets.

1 Gregor, Nazianzen, Or. 43 in laudem Basilii magni c. 16, who describes the initiation as τοις ἀγνοοῦσι λιάν φοβηρὸν καὶ ἀνήμερον τοῖς δὲ προειδούσι καὶ μαλα ἧδο καὶ φιλάνθρωπον. Gregory's young friend Basil was one of the few who were spared the ordeal on coming into residence (in A.D. 351).

2 e.g. (Dem.) Or. 47, κατ' Βόλγρου καὶ Μηνηβούλου, Lysias Or. 8, πρὸς Σίμωνα and fragm. 75 (ed. Scheibe), a long passage quoted by Dionysius as a parallel to the Conon (as already stated, p. lix). Cf. Becker's Charicles, Sc. v, note 9, and Mahaffy's Social Life in Greece p. 319.
INTRODUCTION TO
Or. LV

ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ ΠΕΡΙ ΧΩΡΙΟΥ

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

1 περὶ χωρίου σχέδioς is the title given by Harpocration, in one of his articles (s.v. χλιδος Or. 55 § 22). But cf. § 18.
been blocked up by the building of the wall on the defendant's property.

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

The general style of the *Callicles*, as indeed that of the *Conon*, is not unlike that of Lysias, and speeches on similar subjects, one on a water-conduit and another on a disputed boundary, are known to have been composed by the orator Hyperides¹, but the genuineness of the speech before us can hardly be seriously contested², though it has been suggested that it was written by Demosthenes in his younger days³. It is quoted without hesitation by Harpocrates and the rhetoricians alike, as the work of Demosthenes himself. The narrow limits of the speech and the somewhat trivial nature of the subject will account for the exordium not being succeeded, as elsewhere, by any formal narrative or statement of the case; instead of this, the narrative of the facts is only incidentally included in the course of the speech, and is blended and interwoven with the thread of the argument. Here and there the argument is brightened by a touch of quiet humour, as in the passage where the speaker, arguing on the supposition of his allowing the rain-water to make an inroad into his property, after exhausting several alternatives of dealing with the stream when once it was there, exclaims in conclusion, ‘What am I to do with it? for I presume the plaintiff won’t compel me to drink it up!’

² A. Bekker however in his Leipsig ed. 1855 considers it doubtful, (cf. Sigg, *Apoll.* p. 401 note).
³ A. Schaefer, *s. a.,* ii. 2. 256.
INTRODUCTION TO OR. LV.

In the course of the speech we have also several indications of the provisions of Athenian law respecting those rights of water, with the Roman law of which we are far better acquainted. We gather that the inferior tenant held his land subject to the limiting obligation, or *servitus* as Roman lawyers would have called it, of giving free passage into his own land for the water, in particular the rain-water, flowing from the superior tenement; and in a passage of Plato's *Laws* we find provisions suggested for regulating the relations between neighbours in rights of this description and requiring the superior proprietor to do everything in his power to relieve the inferior proprietor from unnecessary inconvenience¹. Again, the law did not allow the diversion of the natural and regular channel of the water by the building of a wall or by any similar construction. Callicles appears to have had no case, as his property did not immediately adjoin that of the defendant but was separated from it by a public way which provided sufficiently for carrying off the water. In some instances, but (as the defendant contends) not in the present, a regularly recognised water-course, or ditch, traversed several successive properties, and it is clear that no individual proprietor could intercept this. It also appears that the proprietor of any land bordering on a public way generally turned his drainage on to the road (§ 26)².

The legal issue in the *Callicles* appears to turn in a great measure on the nature of the water-course, the existence of which is maintained by the plaintiff and denied by the defendant. The encroachment made by the floods, before the defendant's father became the pro-

² Cf. M. Caillemer's article on
INTRODUCTION TO OR. LV.

Prior to the page, led to a stream of intermittent rain-water gradually forming a channel for itself (μᾶλλον ὀδοντός § 11) through a burial-ground planted with fruit-trees. The plaintiff appears to have contended that the channel thus formed was a water-course within the terms of the law; the defendant relies on the existence of the trees and the tombs to prove that it was not a recognised channel, but part of his private ground, accidentally inundated, and repeatedly traversed by water, more than fifteen years before. It was this damage, he contends, that led to his father building the wall for the protection of his property.

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

1 For purposes of irrigation, Plato would allow the tenant to divert water from streams that were common property by cutting himself a channel anywhere except through a private house or through temples or tombs. Legg. p. 844 a, τῶν ὄδασων πέρι γεωργιάς παλαιοί καὶ καλοὶ νόμοι κείμενοι οὐκ ἄξιοι παραχρεοῦσιν λόγους, ἀλλ’ ἐς βουλήθεις εἰς τῶν αὐτῶν τόπων ἀγειν ὕδωρ ἀγέω μὲν ἀρχόμενος ἐκ τῶν κοινῶν παραδέων... ἢ ἣν βουλήσας ἀγειν, πλῆθος δ’ οἰκίας καὶ λεπτῶν τενῶν καὶ μεγαλῶν, ἀγέω.

2 Edmond About, quoted on p. 231.
EXPLANATION OF THE SYMBOLS USED IN THIS EDITION IN RECORDING VARIOUS READINGS.

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

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

Bekk. Bekker's Berlin edition of 1824. Bekker's stereotyped edition (Bekker st.) was published at Leipzig in 1854, including a list of all the variations between the two editions, and this list is incorporated in the notes to the present volume, except in the case of Or. 86, where the only variations are the following: § 6, line 2, αὐτῷ (Bekk. st.) for τοῖς τῶν; § 8 τὸνοῦ...ἀρμονεῖ (st.) for τὸνοῦ...τὰ ἀρμονεῖα; § 24 τῆς (st.) for τῆς; § 36 δῷσι (st.) for δῷσι and § 60 αὐτῷ (st.) for αὐτῷ γίνεται. When Dindorf differs from the Zurich editors, he generally agrees with Bekker. When a note begins with Bekk., it is meant that Dindorf's text is supported by Bekker's Berlin and Leipzig editions; then, after a slight space, follows the reading of the Zurich editors (Z) with the ms supporting it, introduced by the word cum. The ms thus quoted by the Zurich editors are as follows:

Σ. [Cited by some editors as S.] in the Public Library of Paris (No. 2934), on parchment; century X. This is admitted on all hands to be the best ms., and its readings are very often accepted by Bekker and still more frequently by the Zurich editors. For a protest against excessive deference to its authority, see the Preface of Mr Shilleto's fourth edition of the De falsa legatione, pp. vii, viii, xiv.

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

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

k. In the Public Library of Paris (No. 2996) on cotton paper (bombyc binus), forma quadrata; century XIV. Contains Or. 54 (καὶ καὶ Κωνων).
r. In the same Library (No. 2936), on parchment \textit{forma maxima}; century XIII.

A1. \textit{Augustanus primus}, formerly at Augsburg (\textit{Augusta Vindelicorum}), now at Munich (No. 485), on parchment, \textit{paene quadratus}; century XI (according to Dindorf), or XII (according to Z).

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

γρ. A contraction for \textit{γραφερας}, used in the mss themselves to introduce the marginal citation of a various reading.

In the Fitzwilliam Museum at Cambridge there is a ms of Demosthenes bequeathed to the University by Mr Kerrich, an account of which has been given by Mr Paley in the \textit{Journal of Philology}, vol. v. p. 28, and in a collation of the \textit{de falsa legatione} published by the Philological Society of Cambridge. The readings of the ms appear to correspond to the vulgate before the time of Bekker, and it seems therefore of no great value. It contains the arguments only to the Private Orations to the present volume, and its variations from Dindorf's text are duly recorded under the abbreviation \textit{Kerrick ms}. 
ΠΑΡΑΓΡΑΦΗ ΥΠΕΡ ΦΟΡΜΙΩΝΟΣ.

ΤΙΟΔΕΣΙΣ.

Πασίων ὁ τραπεζίτης τελευτῶν ἐπὶ δύο παισίν ἕξις Ἀρχίππης, Ἀπολλοδώρῳ καὶ Πασικλέῳ, Φορμίωνα οἰκέτην ἐαυτοῦ γενόμενον, τετυχηκότα δὲ ἐτί προτέρον ἐλευθερίας, ἐπιτροπὸν τοῦ νεωτέρου τῶν παιδῶν 5 Πασικλέους κατέλιπτε, καὶ τὴν μητέρα αὐτῶν, παλακὴν ἐαυτοῦ γενομένην, ἔδωκεν ἐτί προκεχαρισθέως. Ἀπολλοδόρῳ οὖν νέμεται πρὸς τὸν ἀδελφὸν τὴν πατρίδαν οὐσίαν πλὴν τῆς τραπέζης καὶ τοῦ ἀστυνομούντος ταῦτα γὰρ Φορμίων ἐμεμίθωσεν παρὰ 10 Πασίωνοι εἰς ὁρισμένον χρόνον τοῖς δὲ καὶ τέος μὲν ἐλάμβανε τὸ ἴμμα τῆς μισθώσεως ἐκάτερος, ὦστερον δὲ καὶ αὐτὰ νέμονται, καὶ γίγνεται τὸ μὲν ἀστυνομοῦντος Ἀπολλοδόρου, Πασικλέους δὲ ἡ τράπεζα. ἀποθανοῦσας δὲ καὶ τῆς μητρὸς ὦστερον, νειμάμενος

Argument. τελευτῶν ἐπὶ δύο παισίν.] ‘Dying with (in possession of) two children,’ i.e. ‘leaving two children behind him at his death;’ an idiom not unfrequent in late Greek, e.g. Herodian (fl. A.D. 238) iv. 2. 1, ἐδοὺς ἐστὶν Ἡρωδιαῖοι ἐκθειόδεξε βασιλέως τούτοις ἐπὶ παιοὶ διαδόχους τελευτήσαντας.

6. ἐτί προκειμένου.] For the construction cf. Or. 28, Aphob. B, § 16, τὴν ἐμὴν μητέρα ἐγγὺς ἐπὶ ταῖς ὄχημα καὶ μναί. The marriage portion of Archippe amounted to five talents, as we learn from the First Speech against Stephanus, Or. 45 § 74, cf. id. § 28, ἡκοτετῇ τὸ πλῆθος τῆς προκοῦσας ταλαντῶν ἐκ Πεπαρθῆσθος, ταλαντῶν αὐτοῦ, συνοκλινὼν ἐκάτον μηδείς, θεραπεεια καὶ κρυπτα καὶ λ.θ.

12. αὐτὰ.] They share between them the properties themselves, viz. when Phormio’s lease of them had expired.

P. S. D. II.
21. εἰλήξε.] In Grammarian's Greek, this stands either for λαγχάει or ἐλαξε. So πέντεμφε is used in the Argument to Or. 34, line 31, and so πεπόθεν below. P.]

22. δύκην ἀφορμής.] 'A suit referring to Capital,' 'a suit for the recovery of banking stock.' § 12 ἐγκαλούντ' ἀφορμής.

23. ἐνθήκης.] Harpocrations s.v. ἀφορμή 'when the aργόριον δι᾽ ἐνθήκης, ἀφορμή καλεῖται ἵδος παρὰ τοῖς Αττικοῖς. And similarly Hesychius. For this late Greek equivalent to ἀφορμή references are given in Sophocles' Lex. of Rom. and Byzantine Greek to Phrynichus 223 (fl. c. a.d. 180) and Basilius of Caesarea III. 320 (fl. c. a.d. 379).

παραγράφεται κ.τ.λ.] 'Phormio raises a special plea in bar of action, by appealing to a statute enacting that, on matters on which a release and quittance has once been granted, no subsequent litigation shall be lawful.' See note on § 26 ἀφεῖς καὶ ἀπαλλαξά. Pollux: παραγραφῆς ὅταν τις μὴ εἰσαγωγήμων λέγη εἰκά τὴν δίκην, ὡς κεκραμένος, ὡς διαίτης γεγενημένης, ὡς ἀφειμένος, ὡς τῶν χρόνων ἐξηκότων (§ 26) ἐν ὅσι εἰς κρίσιν θείας: where he enumerates the four principal circumstances under which an ordinary action is not maintainable. (Cf. C. R. Kennedy, Dem. Vol. I. Appendix, ix. p. 378.) παρεχόμενοι.] 'adducing,' προσχόμενοι. A use of the participle analogous to παρέχομαι πάρομα (Aphob. Or. 27 § 8), said of one who is pleading his own cause, and so, inf. § 54, and often elsewhere. P.]

25. ἀπέται τῆς εὐδείας.] So, δίκης. 'Touches on, handles, grapples with, the general issue,' εἰσπυκκία being the direct course of an action argued on the merits of the case, as opposed to παραγραφή. Or. 34 ὑπόθ. I. 32, and ib. § 4, εἰσπυκκία εἰσότα: Or. 45 κατὰ Στρόφανον § 6 (where Apollodorus is speaking of the defendant in the present case) προλαβὼν μού ὅτε πρότερον λέγειν διὰ τὸ παραγραφὴν εἶναι καὶ μὴ εἰσπυκκία (μὴ -ας) εἰσότα. Isocr. παραγρ. πρὸς Καλλίμαχον §§ 1—3 μηδεὶς θαυμάσῃ ὅτι φεύγων τὴν δίκην πρότερον λέγειν τοῦ διώκοντος κ.τ.λ.


ARGUMENT.]

ΤΙΠΕΡ ΦΟΡΜΙΩΝΟΣ. 3

καὶ τῆς εὐθελᾶς ὁ ῥήτωρ, δεικνύς ὡς αὖκ ἔχειν ἡ τραπεζα χρήματα ἱδίᾳ τοῦ Πασώνος. τούτῳ δὲ πεποίηκεν, ἣν ἡ παραγραφὴ μᾶλλον ἴσχυς, τῆς εὐθελᾶς δεικνυμένης τῷ Ἀπολλοδόρῳ σαθρῶς.

Τὴν μὲν ἀπειρίαν τοῦ λέγειν, καὶ ὡς ἀδυνάτως ἔχει Φορμίων, αὐτοὶ πάντες ὥρατε, ὁ ἀνδρὶ Ἀθηναῖον δεικνυμένην Ζ.

27. τούτῳ δὲ πεποίηκεν κ.τ.λ.]

He has done (or ‘does’) this to give greater force to the special plea, by proving that, even on its own merits, the case of the plaintiff is quite untenable.’ (sabrâs, thoroughly rotten, unsound.) Cf. ὑπόθεσις of Or. 32, Zenoth. δείκνυσιν ὅτι θαρρεῖ μὲν τῇ εὐθείᾳ, ἐκ περιουσίας δὲ αὐτῷ καὶ παραγραφήν ὁ νόμος ἄλλως.

§§ 1—3. The defendant Phormio’s obvious inexperience and incapacity for public speaking make it necessary for his friends to state his case on his behalf. They confront the plaintiff Apollodorus with a special plea in bar of action, not to waste time and evade the main issue, but to secure a final settlement of the case. Their friend, the defendant, has conferred many kindnesses on the plaintiff; and has further been released from all the legal claims of the latter, only to find himself at last the victim of a vexatious lawsuit. However, a brief recital of the transactions of the litigants will prove that the plaintiff’s case is utterly untenable.

1. τὴν ἀπειρίαν τοῦ λέγειν.] Like all slaves at Athens, Phormio (once the slave of the banker Pasion) was of barbarian birth; and though subsequently rewarded with the rights of freedom and citizenship, remained unable to speak good Greek. In a later speech arising out of the present action, Apollodorus, himself the son of one who was once a slave, taunts him with his foreign extraction and his indifferent pronunciation. Or. Ἀκατά Στεφάνου, § 81 βαρβάρου ἔνθησις and § 30, ἐκω αὐτῶν ὑπειλήφατε, διὰ σολοκείξει τῇ φωνῇ, βαρβάρον καὶ εὐκαταφρονητόν εἶναι, ἔστι δὲ βαρβάρον ὁ νόμος τῷ μοι ποιούμενῳ προσθεί τιμᾶτο, τῷ δὲ κακουργήσει καὶ διορόζει πράγματα ὀδηγοῦν λείπεται. In § 77, Apollodorus himself apologizes for his broad brogue or loud voice (λαλεῖν μέγα); the speaker of πρὸς Πανταῖς εἶναι makes similar excuses for his διδακτὸς (Or. 37 §§ 52, 55); and a like tribute to the sensibility of an Attic audience is paid by the Mytilenean in Antiphon’s de Caede Herodis (Or. ν. § 5) δέομαι ὡμοῦ…ἐν τῇ γλώσσῃ ἀμαρτού, συγγράφων ἔχειν μοι καὶ ἑγείσθαι ἀπειρία αὐτῷ μᾶλλον ἡ ἀδικία ἡμαρτήσαται.

ἀδυνάτως ἔχει.] ‘Is quite incapable,’ referring mainly to his inexperience and want of facility in speaking. Thus in Antiphon ὑ. σ. ν. § 2 ἡ τοῦ λέγειν ἀδυνάμα is contrasted with ἡ ἐμπειρία τῶν πραγμάτων.

ὁρᾶτε.] In a general sense, ‘you all of yourselves observe.’
ναῦον ἀνόγκη δ', ἐστὶ τοῖς ἐπινηδελοὶ ἡμῶν, ἀ σύνυσμεν πολλάκις τοῦτον διεξάγωτος ἄκηκοτες, λέγειν καὶ διδάσκειν ὑμᾶς, ἢν εἰδότες καὶ μεμαθηκότες ὃσθ' ἀδίκαια παρ' ἡμῶν, ἄ ἂν ἢ δίκαια καὶ εὔφρεα, ταῦτα 2 ψηφίσῃς. τῆς μὲν οὖν παραγράφην ἐποιησάμεθα τῆς δικῆς οὐχ ἢ ἐκκρούντες χρόνους ἐμποίουμεν, ἀλλ' ἡμα τῶν πραγμάτων, ἡν ἐπιδείξῃ μηδ' ὅποιον ἀδικώθη ἑαυτῷ οὐσία, ἀπαλλαγή τις αὐτῷ γένηται παρ' ὑμῖν κυρία. ὅσα γὰρ παρὰ τοῖς ἄλλοις ἐστὶν ἀνθρώπων ἵσχυρά καὶ βέβαια ἄνευ τοῦ παρ' ὑμῖν ἀγωνισμαθεῖ, ταῦτα πάντα πεποιηκός Φορμίων οὕτως, καὶ 945 3 πολλὰ μὲν εὗ πεποιηκός 'Ἀπολλόδωρον τούτου, πάντα δ', ὅσων κύριος τῶν τούτων κατελείφθη, διαλύσας καὶ

ἀνευ τοῦ παρ' ὑμῖν ἀγωνισμαθεῖ .] 'Without standing a trial in your court.'

πεποιηκός... εὗ πεποιηκός......
διαλύσας ... παράδοθαι ... ἀδικεῖ...]

Although all these participles refer to Phormio, who is the subject of the first part of the sentence, the principal verb ἀποθανεῖ refers to Apollodorus. To obviate the harshness of this anacoluthon it has been proposed (by G. H. Schafer) to follow one of the MSS., the Augustanus primus, in reading πεποιηκός for πεποιηκός, and also to strike out καὶ before πολλὰ, and place a full stop at ἀγωνισμάτων. [But we should still expect ἄνευ δ', or ἄλλ' δἱκα. Perhaps it is better to regard this as an instance of the 'nonominativus pendens.' P.] (Funkhænel, quaest. Dem. p. 75 sq.)

8. τούτου.] Apollodorus.

διαλύσας κ. παράδοθαι κ.τ.λ.]

'Having duly paid and delivered up everything—and having thereafter received a discharge from all further claims,'
paradoς δικαίως, καὶ πάντων ἀφεθεὶς μετὰ ταῦτα τῶν ἐγκλημάτων, ὃμως, ὡς ὀράτε, ἐπειδὴ φέρειν τούτον οὐχ οἶδος τ' ἐστὶ, δίκην ταλάντων ἐκοσὶ λαχων αὐτῷ ταῦταν συκοφαντεῖ. ἦν ἄρχης οὖν ἀπάντα τὰ πραξάντα τοῦτο πρὸς Πασίωνα καὶ Ἀπολλόδωρον ὡς ἂν δύνομαι διὰ βραχυτάτων εἰπεῖν πειράσομαι, ἦν ὡς εὖ οἴκ ὅτι ἦν τε τούτον συκοφαντία φανερὰ γενήσεται, καὶ ὃς οὐκ εἰσαγόγωμος ἢ δίκη γνώσεοθε ἄμα ταῦτ' ἀκόωσαντε.

4 Ἐποίησι τῶν μὲν οὖν ὑμῶν ἀναγνώστει τὸς συνθήκας,

ἐπειδὴ φέρειν τούτων οὐχ οἶδος τ' ἐστι.] i. e. since (or, at a time when) Phormio cannot submit any longer to the unconscionable claims of Apollodorus (and therefore declines to make any further concessions), the latter has vexatiously instituted the present action. The subject of the subordinate clause appears to be Phormio. For the sense, compare the language ascribed to Apollodorus in § 33, μίσθων ἀφελείς αὐτῷ φέρειν Φορμίων πολλή...ἐπει δ' οὐ τοιε ταῦτα, τρικαία, ψηλα, διάκρισαι, and especially κατὰ Στεφ. A, § 5, ἐπειδὴ τοιεν τε οὐδὲν φευτε δεῖν ὥστε ὑμοίγνηση, καὶ τὰ χρήματα ἀνόστρεφν· ἐνεχάρισαν αὐτή τραπεζίης εἰρήν ἀφομην, δίκην ἡμακαδόθην λαχων.—For ἡκεν λαχων, cf. Or. 64 § 1, ἡ λαχὼν δικην ν.

συκοφαντεῖ.] Cf. Or. 55 § 1 ν.; πραξάντα τοῦτο, Or. 94 § 36 ν.

Πασίων.] Pasion, originally the slave of Archestratus (§ 46), and accountant to the banking-firm of Archestratus and Antisthenes, was set free by his masters and succeeded them in their business (§§ 46—48). The *Trapezixus* of Isocrates, which belongs to b.c. 394, while Pasion was probably still a μέτωκος, and not yet rewarded with the citizenship of Athens, purports to be a speech written in prosecution of Pasion for deceiving a subject of Satyrus, king of Bosphorus. The father of Democthenes had some money in Pasion's bank (Or. 27 § 11). Pasion, according to his son, Apollodorus, had conferred many benefits on the state, e.g. by presenting five triremes and a thousand shields (Or. 45 § 85), and his credit was good throughout all Greece (Or. 50 § 56). He died in B.C. 370 (Or. 46 § 18).

οὐκ εἰσαγόγωμο.] Or. 45 § 5 (of this very trial), παρεγραφάτου τὴν δίκην ἦν ἔκφυγε Φορμίων οὐκ εἰσαγόγωμον εἶναι. See ὀπόδεις l. 28, παραγράφεται, n.

§§ 4—11. Statement of the transactions of Phormio with Pasion and Apollodorus. After Phormio had become his own master, but before he had received the rights of Athenian citizenship, Pasion gave him a lease of the Bank and the Shield-Manufactory. Subsequently Pasion became ill and died, leaving a will whereby
καθ’ δὲ εἵμασθεν Πασίων τὴν τράπεζαν τοῦτον καὶ τὸ ἀσπιδοπτηγεῖον, καὶ μοι λαβὲ τὰς συνθήκες καὶ τὴν πρόκλησιν καὶ τὰς μαρτυρίας ταυταί.

ΣΤΝΘΗΚΑΙ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΤΡΙΑΙ.

Αἱ μὲν οὖν συνθήκαι, καθ’ δὲ εἵμασθεν ὁ Πασίων τοῦτον τὴν τράπεζαν καὶ τὸ ἀσπιδοπτηγεῖον ἦδη καθ’ ἔαντ’ ὅτι, αὐταί εἰσιν, ὁ ἄνδρες Ἀθηναίοι δὲ τ’ ὑμᾶς ἀκούσαι καὶ μαθεῖν ἐκ τίνος τρόπου προσώφειλε

Phormio married his former master’s widow (Arsipphe), and became guardian to his younger son (Pasicles). The elder son (Apolloidorus) proceeded to appropriate to his private use large sums out of the common estate, and the guardians accordingly deemed it prudent on behalf of their ward to determine on a partition of all the effects except the Bank and Shield-Manufactory, leased to the defendant, who was one of the guardians. The defendant paid a moiety of the rent of that property to the elder son, Apollodorus, who when Pasicles came of age discharged the defendant from his liability under the lease and from all further claims. The said property was thereupon divided between the two brothers, the elder exercising his option in favour of the Shield-Manufactory, as the safer though less remunerative business, and leaving the Bank, with its higher but more hazardous revenue, to his younger brother.

4. συνθήκας.] The terms are given in Or. 45, § 32, μεθωσων φέρεται τούτων ἄνευ τῆς καθ’ ἡμέραν διοικήσεως διὸ ταῦτα καὶ τετερακοντα μᾶς τοῦ ἕαντ’ ἓκαστον...προσγέρασαν δὲ τελευταίον ὑπετέλει δὲ Πασίων ἔνδεια τάλαντα εἰς τὰς παρακατα- θήκας.\

ἀσπιδοπτηγεῖον.] Or. 45 § 85, ὁ ἐκὸς ὑμῖν πατρὸν (Pasion) χίλια ἐθικικὲς ἀπὸ τίνας.\

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

ἥδη καθ’ ἔαντ᾽.] ‘His own master,’ no longer subject, as a slave, to the control of another, though still a μέτοχος.

[Below, § 6, it is said that Phormio saw a difficulty in getting in money due to the bank, if he did not possess the citizenship. He saw this when he was thinking of hiring (μεθωσω- μενος) the bank of which Pasion is here said to have given him a lease. Hence there seems a difficulty in rendering ἥδη καθ’ ἔαντ’ ἓκαστον...προσγέρασαν δὲ τελευταίον ὑπετέλει δὲ Πασίων ἔνδεια τάλαντα εἰς τὰς παρακατα- θήκας.

προσώφειλε κ.τ.λ.] The defendant has to explain how it comes to pass that Pasion is entered in the articles of agreement as owing eleven talents to the bank. He shows that
5 τὰ ἑνδέκα τάλαντα ὁ Πασίων ἔπλησεν τὴν τράπεζαν. οὐ γὰρ δὲ ἀπορίαν ταύτην ὁφείλειν, ἀλλὰ διὰ τὴν ἐδικασθέντας. ἦ μὲν γὰρ ἐγγεεος ἦν οὐσία Πασίων μάλιστα ταλάντων ἐκοσίων ἀργύριων δὲ πρὸς ταύτην δεδανεισμένον ίδιον πλέον ἢ πεντήκοντα τάλαντα. ἐν οὖν τοῖς πεντήκοντα

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

For προσώφειλε, the compound verb followed by the simple ὁφείλει, where the repetition of the preposition is not necessary, cf. Cic. Catil. iv. 1, perferremer...feram.

5. ἄργυρον...φιλεργάτην.] Not 'want' but 'thrift,' or (with Kennedy) 'Not on account of poverty, but on account of his industry in business.' In Or. 45 § 33 Apollodorus insinuates that the debt arose from Phormio's mismanagement.

ἐγγεεος οὐσία.] 'Property in land,' 'real property,' also called φανερὰ οὐσία. Harpocr. ἀφανῆς οὐσία καὶ φανερὰ ἀφανῆς μὲν ἢ ἐν χρήματι καὶ σώματι καὶ σκέψει, φανερὰ δὲ ἢ ἐγγεεος.

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

ἐν οὖν τοῖς πεντήκοντα...ἐνδέκα.] We have just been told that Pasion had more than 50 talents of his own money (ἀργύρον ίδιον) lent out at interest, and we now find that ἐν τοῖς πεντήκοντα τάλαντοι there were 11 talents from the bank-deposits, profitably invested. The latter could hardly be called ίδιον ἀργύρον, unless the words are used loosely in the general sense of 'personal property' as opposed to ἐγγεεος οὐσία or 'real property.' But we should perhaps strike ίδιον and attribute its insertion to an accidential repetition of πλέον, as ἸΔΙΟΝ and ΠΛΑΣΙΟΝ are not very unlike one another. Or again, keeping ίδιον we might alter ἐν οὖν into ἐν οὖν 'in addition to,' 'over and above' the 50 talents. Heraldus proposed σύν οὖν, and G. H. Schaefer unsuccessfully attempts to show that ἐν may mean 'besides,' by quoting the quasi-adverbial use of ἐν δὲ in Soph. Ai. 675, O. C. 55, and O. T. 27.

[In the sense of 'in addition to' he should rather have said πρὸς than ἐν. Perhaps ἐν means 'mixed up with,' i.e. out at loan to the same borrowers as his own money was. A man may borrow of me, as a banker, privately
κατάλαυοι τούτων ἀπὸ τῶν παρακαταθηκῶν τῶν τής Ἕρας ἡμέρας ἔνδεκα τάλαντα ἐνεργά ήν. μισθούμενοι οὖν ὂδε τὴν ἐργασίαν ταύτην τήν τῆς τραπέζης καί τῶν παρακαταθηκῶν λαμβάνουσι, ὅραν ὅτι μήπως τῆς πολιτείας αὐτῶν παρ’ ἦμιν οὔσης οὐχ οἷός τοίς ἐσούτο εἰσπράττειν ὥσα Πασίων ἐπὶ γῆς καί συνοικίαις διδανεικῶς ἦν, ἐκεῖτο μᾶλλον αὐτῶν τὸν Πασίωνα χρῆσθην ἐχειν τούτων τῶν χρημάτων ἢ τοὺς ἄλλους χρήστας,

b ταύτην τὴν Βεκκ. αὐτὴν Ζ cum Στ (coll. § 13). αὐτήν τὴν Α. e αὐτῆς Ζ.

£500, and I may let him have £500 more belonging to the bank. On the large profits thus made by bankers, see Boeckh, P. E. p. 127, ed. 2. P.]

εὐεργά.] ‘Out on interest’ ‘profitably invested,’ as opposed to ἄργα ‘lying idle.’ Or. 27 § 7 τᾶς ἐνεργὰ αὐτῶν καὶ δοὺς ἢ ἄργα, § 10 ταύτα μὲν ἐνεργὰ κατέλειψεν ...τὸ δὲ ἐργόν αὐτῶν πεστήκοψα μωλι.

παρακαταθήη.] Plato defin. p. 415 δόμα μετὰ πίστεως. Claims for the repayment of such banking deposits form the subject of two of the forensic orations of Isocrates, the Trapesiticus and the Λάμπρατος πρὸς Εὐθύδων.

6. μὴν τῆς πολιτείας κ.τ.λ.] No one could lend money on the security of land unless in default of payment (Or. 35 § 12) he had the right to take possession of such land, and this right of possession was confined to citizens to the exclusion of μέτοχου (or resident aliens) like Phormio. A special exception is recorded in the case of the By桑thines, in Aristot. Oeconom. π. 4 μετάκων τινῶν ἐπιδεξιακῶν ἐπὶ κτήμασιν οὐκ οὔσης αὐτῶς ἐγκήσοις, ἐγγυθεὶσαν τὸ τρίτον μέρος εἰσφέροντα τῶν βουλόμενοι κυρίως ἐχειν τὸ κτήμα (Büchenschütz, Besitz und Erwerb im Griechischen Alterthume, pp. 499, 3).

[Of course μὴν οὔσης, ‘si nondum esset,’ is very different from οὔσης οὔσης, ‘cum nondum esset.’ On the insecurity of lending money on houses or lands, except for citizens, see Boeckh, P. E. pp. 140 and 654 (ed. 2), who observes on this passage that ‘no resident alien could safely lend money upon houses or other landed property, a privilege which was confined to the citizens.’ P.]

ἐπὶ γη...διδανεικῶς.] Cf. ἐγγονο, or ἐγγονοι, διδειμα and Or. 34 § 23 ἐγγονον τόκοι. (K. F. Hermann, Privatalterthümer § 49, 9 and Büchenschütz u. s. p. 490.)

ςυνοικίας.] See η. on Or. 53 § 13 τίθημι τὴν Συνοικίαν ἕκκαλδέκα μιᾶς. Houses built in blocks and let out to families were commonly so called. [This is ὀλείνη μετ᾽ ἄλλων opposed to μιᾶς ἐδούμιν αἰσχοῖς in Aesch. Suppl. 960. The Συνοικίαι were chiefly let as lodgings for the denizens, μέτοχου. (See C. R. Kennedy, Dem. I. p. 252.) Boeckh, P. E. p. 140. P.]

ἢ τῶν ἄλλων χρήστας.] ‘Than the others, to whom Pasion had
οἰς προεμένος ἦν. καὶ οὕτω διὰ ταῦτ᾽ ἐγράφη εἰς τὴν 
μύσθωσιν προσοφείλουν ὁ Πασίων ἐνδέκα τάλαντα, 
ὦσπερ καὶ μεμαρτύρηται ὑμῖν.
7 Ὡν μὲν τοίνυν τρόπον ἡ μύσθωσις ἐγένετο, με-
μαρτύρηται ὑμῖν ὑπ’ αὐτοῦ τοῦ ἐπικαθήμενος ἐπι-
γενομένης δὲ ἀρρωστίας τῷ Πασίωνι μετὰ ταῦτα, 
σκέψασθ᾽ αἰ διέθετο. λαβὲ τῆς διαθήκης τὸ ἀντίγρα-
φον καὶ τὴν πρόκλησιν ταυτην ἢ καὶ τὰς μαρτυρίας 
ταύτας, παρ᾽ οἷς αἱ διαθήκαι κεῖναι.
8 ΔΙΑΘΗΚΗ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑΙ.
Ἐπειδὴ τούτων ὁ Πασίων ἐτελευτηκε τάουτα δια-
ταῦτα Ζ. ¹ Βεκκ. ταῦτα Ζ. cum Στ. ² Βεκκ. ἀντίγραφον Ζ. cum Στ.Α.'

lent it, debtors to the bank.' Perhaps the word χρήστας is 
interpolated. P.] ois προεμένος ἦν.] In the 
medial sense, Liddell and Scott 
v. προθμί B. iii. refer to this 
passage for the sense 'to give 
away,' 'to give freely.' But it 
here means 'to lend' as in Plato 
Demod. 384. [It is a very 
common term, and seems to involve 
the notion of 'risk in letting go 
without full security.' P.] Cf. 
Or. 56 §§ 2, 48, 50. 
ἐγράφη ... προσοφείλουν ἐνδὲ 
ταῦτα.] Or. 45 § 29 προσγεγρα-
ται ἐνδὲ ταῦτα ὁ πατήρ (Pas-
sion) ὀφελών εἰς τὰς παρακατα-
θήκας τούτως καὶ § 34 ἐν ἡλι.
δεὶ καὶ πρὸ τῶν ἐνδέκα ταῦτα ἤξιομ 
εἰτέρων, ὡς οὖν ὀφείλει ὁ πατήρ, 
ἄλλο πατέρος ὑφήργηται.
7. τοῦ ἐπικαθήμενον.] 'The 
manager, the clerk, of the bank. 
Elsewhere Phormio himself is 
described by Apoll. as τῶν ἐπι-
καθήμενων ἐπὶ τῆς τρανέγη (Or. 
49 § 17) and καθήμενων καὶ δια-
kούστα ἐπὶ τῆς τρανέγη (Or. 45 
§ 33). (K. F. Hermann, Privat-
alt. § 48, 2.) ἀρρωστίας] Pasion's failing 
health is touched upon in Or. 
52 § 18 ἀθανάτως ήδη ἔχεται καὶ 
μόνος εἰς ἄστο ἀναφεύγοντα καὶ τῶν 
ὁφθαλμῶν αὐτῶν προδίδοντα καὶ 
in Or. 49 § 42 ἔλεγεν ἀρρωστῶν 
δὴ τὸ ὀφείλον αὐτῷ ἔκαστον. 
μαρτυρίας...παρ᾽ οἷς.] = μ. τοῦ-
των τῶν μαρτυρίων παρ᾽ οἷς, 'the de-
positions of the persons to whose 
keeping the will has been en-
thusted.' (Cf. Or. 34 § 6). In 
times when there were no pro-
bate-courts, and wills were not 
officially kept, it is obvious that 
the greatest precautions had to 
be taken to prevent forgeries by 
interested parties. In Or. 45 § 19 
one Cephisophon deposes that 
his father had left behind him 
at his death, a document en-
dorsed 'Pasion's Will,' which 
Apollodorus (ib. §§ 5, 22) de-
nounces as a forgery (οἰς ἐπι-
καθήμενον ἐπὶ τῆς τρανέγη (Or. 
49 § 17) and καθήμενων καὶ δια-
kούστα ἐπὶ τῆς τρανέγη (Or. 45 
§ 33). (K. F. Hermann, Privat-

§§ 8—10.

θὲμενος, Φορμίων οὖτοι τὴν μὲν γυναῖκα λαμβάνει κατὰ τὴν διαθήκην, τὸν δὲ παιδά ἐπετρόπευεν. ἀρ-
πάξωνος δὲ τοῦτον καὶ πολλὰ ἀπὸ κοινὸν ὄντων τῶν
χρημάτων ἀναλίσκει οἰομένου δεῖν, λογιζόμενοι πρὸς
ἐαυτοὺς οἱ ἐπιτρόποι ὅτι, εἰ δεῖσει κατὰ τὰς διαθήκας,
ὅσ᾽ ἀν οὖτος ἐκ Κοινῶν τῶν χρημάτων ἀναλώσῃ, τού-
τους Ξ ἐξελύνας ἀντιμορεῖς καὶ λοιπὰ νέμειν, οὐδ᾽ ὅτιον

§ tooutos Z cum Σ. tooutos Bekk.

§§ ἀντιμορεῖς (sic) ΣΣΣ. τὰs ἀντιμορεῖs Bekk.

others deposed that they were present when Phormio chal-
lengthed Apollodorus to open the will, and that the latter refused.
In Or. 45 Apollodorus sees Step-
phanus for having given false
evidence in the present case and
discusses this challenge in §§ 8
—19, denying that any such
challenge ever took place or
that his father left such a will.

8. Πασίων ἐπετελευτῆκεν.] Or.
46 § 19 ἐπετελεύσαν εἰπὶ Δαυιδῆ-
τον ἄρχοντον (b.c. 370).

τὴν γυναῖκα λαμβάνει κ.τ.λ.] Similarly the father of Dem.
left Aphobus guardian of his
children, and gave him his
widow with a marriage-portion
and the use of his house and
furniture (Or. 27 § 5). The
object of such legacies was to se-
cure a faithful performance of
the guardian’s trust by connect-
ing him more closely with the
family of his ward (cf. 58 § 31).
Diogenes Laertius, i. 59, quotes
a law, perhaps wrongly ascribed
to Solon, τῶν ἐπίτροπων τῷ ὅρ-
φανῳ μητρὶ μὴ συνοικεῖν. (K.
F. Hermann, Privatalt. § 57, 16).

τῶν παῖδα.] i. e. Pasicles, who
was a minor for 8 years (b.c.
370—362), as appears by com-
paring § 10 with § 37. He was
probably 8 or 10 years old when
his father died; his elder bro-

ther was 24 (infra § 22).

τοῦτον.] The claimant Apoll-
odoros, whom the orator pur-
purposes represents as thriftless
and unscrupulous at the very
first.

λογιζόμενοι.] ‘The guardians,
calculating among themselves,
that if, by the terms of the will,
it proved necessary to subtract
from the common fund all that
the plaintiff should have spent,
and then divide the remainder
equally, there would be no sur-
plus whatever, decided in behalf
of their ward on an immediate
division of the property.’ [Or,
‘that they (the brothers) should
share the property.’ F.]

κοινῶν τῶν χρημάτων.] κοινῶν,
predicative and emphatic.—τοῦ-
tος, so. τόσο ἐπιτρόπους.

ἀντιμορεῖς.] ‘Share for share,’
ef. § 32 τὰ μητρῶα πρὸς μέρος
ὁδίου νέμεσθαι. The adverb
does not appear to occur else-
where, and its form is sus-
piciously like the late Greek
words ἄνωνυμος, αὐτολεξεῖ, αὐτο-
ψελ, παμπληθεῖ, πανεθεῖ. In
earlier Greek almost the only
instances found are αὐτοβοεῖ
(Thuc.) and πανθημεῖ (Thuc.
Andoc. Lys. Isocr.).

[A more probable reading
would be τοῦτον ἐξελύσας ἀντι-
μοραῖς, ‘taking out (and laying,
aside for the minor) equal sums to those taken on each occasion out of the general property by Apollodorus. The syntax ἀντι-μορφὴ μὲν ἢ μὲν seems unnatural, to say nothing of the form of the adverb; and ἐξήλθαν seems to require a definite accusative. P.]

9. ἀπεδίδοσαν.] The guardsmen paid Apollodorus the share due to him, viz., half the rent of the bank and shield manufactory.

ἄχρι μὲν οὖν κ.τ.λ.] ‘Down to this date, then, there is not the slightest claim against Phormio in respect of the lease.’ For the rather rare construction of ἐγκαλεῖν cf. Or. 54, § 2 and Plut. Arist. 10, 9τῆς βραδυτῆς αἰτοῦ ἐνεκαλεί. In § 12 we have ἐγκαλεῖν ἀφορμὴ.

10. δοκιμασθέντος.] The δοκιμασία (see Dict. Antiq.) took place on ‘coming of age,’ usually at 18, but in the case of orphans it might be accelerated a year or two. (A. Schaefer, Dem. u. s. Zeit, i. 2. 19—38 Der Eintritt der Mündigkeit nach Attischen Rechte.) ἀφήκαν τῆς μισθώσεως κ.τ.λ.] Or. 45 § 5 márturos ἢ ἀφήκα αὖτὶ τῶν ἐγκλημάτων παρέσχετο ψευδεῖ, καὶ μισθώσεως τῶν ἐσκενωρημένης καὶ διαθήκης οὐδεμιῶτε ψευδόμενης.

[The forms ἀφῆκατε and ἀφῆκαν and παρέσκοπαν § 14 are rather unusual. The Attics prefer in the plural the inflexion of the second aorist, ἀφέων, ἀφέτε; ἀφέσαν. Cf. §§ 11, 14, and see Veitch’s Greek Verbs.—The two brothers Apollodorus and Pasicles are directly addressed in ἀφῆκατε, not the jury, as is shown by διαφέρετε following.—For this sense of παρέσκοπαν cf. Ar. Ran. 1134. P.]
ΜΑΡΤΡΙΑ.

11 Εὖθυς τοῖς, ὁ ἀδέρες Ἀθηναίων, ὡς ἀφείσαν τούτοι τῆς μισθώσεως, νέμονται τὴν τραπέζαν καὶ τὸ ἀσπιδοπηγεῖον, καὶ λαβῶν ἀἵρεσιν Ἀπολλόδωρος ἀφεῖσαι τὸ ἀσπιδοπηγεῖον ἀντὶ τῆς τραπέζης. καὶ τοῖς εἰ ἦν ἱδία τὰς ἀφορμὰς τοῦτο πρὸς τῇ τραπέζῃ, τι δὴ ποτὲ ἄν εἶλετο τοῦτο μᾶλλον ἢ ἔκεινην; οὔτε γὰρ ἡ πρόσοδος ἢ πλείων, ἀλλὰ ἐλάττων (τὸ μὲν γὰρ τάλαμον, ἢ δὲ ἐκατον μιᾶς ἐφερεν), οὔτε τὸ κτήμα ἐδώκει, εἰ προσῆν χρήματα τῇ τραπέζῃ ἱδία. ἀλλὰ οὐ προσῆν. διότι ποιόν ἐπερ οὐ οὐκολοι τὸ ἀσπιδοπηγεῖον οὔτοι; τὸ μὲν γὰρ κτήμι ἀκινδυνών ἐστιν, ἢ δὲ 948 ἐργασία προσίδου ἔχουσα ἐπικινδύνους ἀπὸ χρημάτων ἀλλοτρίως.

12 Πολλὰ δὲ ἂν τις ἔχοι λέγειν καὶ ἐπιδεικνύειν

1 oius τις cum Σ. om. ταῦτα. [§§ 11, 12.]

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

καὶ τοῖς κ. τ. λ. Phormio argues that if the plaintiff had had any private capital of his own in the bank, he would have chosen the banking-business in preference to the manufactory. He did not, and therefore he contends there was no such fund.— ἱδία ἀφορμή is private banking-stock, as opposed to deposits, παρακατόνηκαι (cf. § 11).—τάλαμον = 60 minae.

ἡδῖν.] The labour and trouble and other disagreeable incidents of manufacturing shields made such a property less desirable in itself than a banking business. But the bank business was speculative, and involved the risk of losing the deposits, and therefore the manufactory, with all its drawbacks, was preferred by Apollodorus, as being at least safe. P.]

τὸ μὲν γὰρ—ἀλλοτρίως.] 'For the manufactory is a property free from risk, whereas the bank is a business yielding a hazardous (speculative, precarious) revenue from other people's money.' The bank was not a κτήμα, but only an ἐργασία, not a secure property, but a precarious trading with other people's money. For χρημάτων ἀλλοτρίων cf. Teles ap. Stobae. 97. 51. καὶ πὼς ἐκάλουσι (οἱ πλοῦσοι) τοῖς αὐτοῖς ἔχουσι; πὼς δὲ οἱ τραπεζίαι, φθαίνουσι δὲ Βίοι, χρημάτων ἔχοντες αὕτα; οὐ γὰρ αὐτῶν δυνα ἔχουσιν. §§ 12—17. The plaintiff's claim to a sum of banking-stock alleged to have been held by the defendant may be proved groundless by many arguments: (1) Plaintiff's father is entered in the lease, not as creditor on account of banking-stock assigned to defendant, but actually as
ΤΠΕΡ ΦΟΡΜΙΩΝΟΣ.

σημεία τοῦ τούτου συκοφατείν ἐγκαλοῦντ' ἀφορμήν. ἀλλ', οὐμαι, μέγιστον μὲν ἐστὶν ἀπάντων τεκμηρίου τοῦ μηδεμίαν λαβεῖν ἀφορμήν εἰς ταύτα τούτων τό ἐν τῇ μισθώσει γεγραφθαί προσφεύλοντα τὸν Πασίον· ἐπὶ τὴν τράπεζαν, οὐ δεδυκότα ἀφορμὴν τούτῳ, δεύτερον δὲ τὸ τούτου ἐν τῇ νομῇ μηδὲν ἐγκαλοῦντα φαίνεσθαι, τρίτον δὲ, ὧτι μισθῶν ἐτέρως ὑστερον ταύτα

k ἐγκαλοῦντα Ζ.

1 om. Ζ cum ΣΦ. τὸ τούτον Bekk. cum marg. Σ.

debtor to the bank. (2) On the partition of the property, plaintiff put in no claim to such stock. (3) After the termination of defendant's lease of the bank, plaintiff let it to others for the same sum and no less; and did not specially transfer to them any banking-stock besides. (4) The plaintiff during the life of his mother, who was perfectly familiar with all these details, made no demand on the defendant; it was only when she died that he set up a fraudulent claim, not for any banking-stock as now, but for a sum of 3000 dr. The claim was submitted to the arbitration of some relatives of the plaintiff, and upon their award the defendant for peace and quietness' sake paid the money and a second time received from the plaintiff a release of all his claims.

12. συκοφατείν κ.τ.λ.] Kennedy: 'This claim of the plaintiff's to a sum of banking-stock is false and fraudulent.'—ἐγκαλοῦντ' ἀφορμήν, the first distinct reference in the speech to the nature of the plaintiff's case. He alleges that the defendant had a grant of capital from Pasion and had appropriated it.

τοῦτοι...τοῦτο...τοῦτον.] The first two refer to the defendant, the third to the plaintiff, Apollodorus. The ambiguity arising from the same pronoun being applied to two different persons, would be readily dispelled by the orator's delivery. Cf. § 42 n.

προσφεύλοντα.] sq. 11 talents

§§ 4—6.—τῇ νομῇ, § 8 fin.

μισθῶν ἐτέρως κ.τ.λ.] i.e. to Xenon and the others in § 13. The argument is: assume the defendant defrauded the plaintiff of bank-stock amounting to 20 talents. Then the stock in question could not have formed part of the business when the plaintiff let it to the later lessees. The plaintiff then should either have let it to them at lower terms than to the defendant, or have handed over to the bank an equivalent to the stock alleged to be missing. He did neither; he made no fresh transfer and he charged them the same rent. Therefore the property must have been in the same condition as when the defendant originally leased it from the plaintiff's father.—The context compels us to make Apollodorus the subject of the sentence μισθῶν—φανησαμένος, but the bank, it will be remembered, became the property not of Apollodorus, but of Pasicles,
tautα tōn ίσων ἀργυρίου οὗ φανήσεται προσμεμισθω-
13 kως ἰδίων ἀφορμῆς. καίτοι εἶ, ἢν ὁ πατήρ παρέχει,
ὑπὸ τούτω απεστέρητο, αὐτὸν γόν προσῆκεν ἐκεῖνος
ἀλλοθεν παρίσαντα δεδωκέναι. ὁς τοιῶν ταύτ' ἀληθῆ
λέγω, καὶ ἐμισθωσεν ὑστερον Ξένων καὶ Εὐφραίω
καὶ Εὐφρου καὶ Καλλιστάρτω, καὶ οὔτω τούτως παρέ-
δωκεν ἰδίων ἀφορμῆς, ἀλλὰ τῶν παρακαταθήκας καὶ
tὴν ἀπὸ τούτων ἐργασίαν αὐτὴν ἐμισθώσαντο, λαβέ
μοι τὴν τούτων μαρτυρίαν, καὶ ὁς τὸ ἀσπίδοπηγεῖον
εἴλετο.

14. Μεμαρτύρηται μὲν τοιῶν ὑμῖν, ὁ ἀδρεὶς Ἀθη-
ναῖοι, ὅτι καὶ τούτως ἐμισθώσαν καὶ οὐ παρέδωκαν
ἰδίων ἀφορμῆς οὐδεμίαν, καὶ ἐλευθέροις ἀφεῖσαν ὁς
μεγάλα εὐ πεποιθότες, καὶ οὐκ ἐδικάζοντο οὔτ' ἐκεῖ-
νοις τότ' οὔτε τούτῳ. ὃν μὲν τοίνυν χρόνον ἡ μήτηρ
ἐξή πάντα ταύτ' ἀκριβῶς εἰδεια, οὕτως ἐγκλημα
πώποτε ἐποίησατο πρὸς τούτοι Φορμίωνα 'Απολλό-
δωρος· ὡς δ' ἐπελεύτησεν ἐκείνη, τρισχιλιάς ἐγκαλέσας 949

m ἀκριβῶς ταύτ' εἰδεια Σ. συμ Σ. ἀκριβῶς εἰδεια ταύτα Φ. ταύτ'
ἀκριβῶς εἰδεια Bεκκ.

when the latter came of age
and Phormio’s lease expired;
we must therefore conclude
that the elder brother acted as
agent on behalf of his less
experienced younger brother.

13. τούτω...αὐτὸς.] Defendant
and plaintiff respectively.—γόν
‘in that case,’ referring to the
hypothesis el — ἀπεστέρητο.—
αὐτὸς, standing first in the
clause, must mean ipsum.

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

αὐτὴν.] ‘Alone;’ explained
by οὗ παρέδωκαν ἰδίων ἀφορμῆς.

14. ἐμισθωσεν...παρέδωκαν.] The plural
brothers.

ἐλευθέρους ἀφεῖσαν.] Xenon,
Euphaeus and the other lessees
appear (like Phormio) to have
been slaves originally. The
family shew their gratitude for
their services by giving them
freedom (ὡς μεγάλα εὐ πεποι-
θότες). G. H. Schaefer less
satisfactorily understands the
words ‘set free from all further
claims;’ a sense which is at
first sight partly supported by
καὶ οὐκ ἐδικάζοντο below.

ὡς ἐπελεύτησεν.] The speaker
insinuates that Apoll., purposely
waited till his mother’s death,
as her familiarity with all the
details of her late husband’s
property would have thwarted
his plots against Phormio. Her death is described by Apollodorus in Or. 50 § 60, 'While I was abroad my mother lay ill and was at death's door, and therefore little able to help in retrieving my affairs. It was just six days after my return that, when she had seen me and spoken to me, she breathed her last, when she no longer had such control over her property as to be able to give me all that she desired.' The death took place in Feb. b.c. 360.

 práos ais.] She had left Phormio's children 2000 drachmas, but Apollodorus claims more than that sum also as his own. His avaricious and mean character is shown by his claim to a χιτωνίσκος, a chemise, or 'slave's frock,' perhaps. A man who would make such demands was little likely to omit his present claims, if he had then believed in the justice of them. P.]

15. èπιρέψας, κ.τ.λ.] The plaintiff submitted the claims to the arbitration of Deinias and Nicias (§ 17), his own father-in-law and brother-in-law respectively. Pollux; ἐλεγον δὲ ἐπιρέ-

...ψαι διαταγῆς, καὶ ἡ διαταγὴ ἐκαλεῖτο ἐπιτρέπῃ.

doúvai δωρεάν.] By 'making a present' of the 3000 drachmae, Phormio satisfies Apollodorus without admitting his legal claim to the sum.

tó προσόν.] Not the 2000 drachmae of § 14; for they were already given by the mother (ἐδώκεν ἐκείνη), but the 'additional articles' χιτωνίσκος καὶ θεράπαινα. [tó προσόν may however refer τοπρός ais κ.τ.λ. supra. He got the 3000 and the 2000 also that had been left to Phormio's boys. He got from him 5000 in all, and gave him a full release from all further claims; and yet now again he says Phormio has kept back some of Pasion's money! But (he argues) the discharge then given justifies the παραγραφή now put in. P.]

άφεις...τὸ δεύτερον.] The former release is mentioned in § 10 fin. This second release is solemnly given in the temple of Athénē on the Acropolis. Isocr. Trapez. § 20, ταύτα συγγρα-

ψατες καὶ ἀναγράφετε εἰς ἀκρό-

πολιν Πύρωνα....δίδομεν αὐτῷ φυλάττειν τὰς συρνήκας.
16 ἵερων τῆς Ἀθηνᾶς ἐλθόν, πάλιν, ὡς ὀρᾶτε, δικαίεται, πάσας αἰτίας συμπλάσας καὶ ἐγκλήματα ἐκ παυτὸς τοῦ χρόνου τοῦ πρὸ τοῦτο (τούτο γὰρ ἐστὶ μέγιστον ἀπάντητων), ἄι οὐδεπότε πρὸς ημῖν ἔστατο. ὡς τοῖνον ταῦτα ἀληθῆ λέγω, λαβὲ μοι τὴν γρώσῳ τὴν γενομένην ἐν ἀκροπόλει, καὶ τὴν μαρτυρίαν τῶν παραγενομένων, ὥστ' ἢφει τῶν ἐγκλημάτων ἀπάντητων Ἄπολλόκωρος, λαμβάνων τοῦτο τὸ ἀργύριον.

ΓΝΩΣΙΣ. ΜΑΡΤΡΙΑ.

17 Ἀκοῦστε τῆς γρώσου, ὡς ἄνδρες δικασταῖ, ἵνα ἔγνως Δευνίας, οὗ τὴν θυγατέρα οὗτος ἔχει, καὶ Νίκιας ὧ τὴν ἀδελφὴν τῆς τοῦτον γυναικὸς ἔχων. ταῦτα τοῖνυν λαβὼν καὶ ἀφεῖς ἀπάντων τῶν ἐγκλημάτων, ὡστερ ἡ πάντων ἑθελοῦσιν τούτων ἡ τῆς ἀλθείας οὐ γεννησομένης φανερῶς, δίκην τοσούτων ταλαντῶν λαχῶν τολμᾶ δικαίεσθαι.

18 Τὰ μὲν οὖν πεπραγμένα καὶ γεγενημένα Φορμίων ἐφεις Ζ.

16. συμπλάσας.] 'Having concoceted,' 'heaped together,' 'raked up.'

'τὴν γρώσου.] 'The award' of the arbitrators. Or. 27, § 1, τοῖς ἀκόλουθοι τριτίχαι ἐν and τοῖς ἕκείνων γνωθιεῖσσιν ἑμένειν. Cf. § 17.—ἐν ἀκροπόλει. So supr. τὸ λεπό τῆς Ἀθηνᾶς. Pollux, διηγῶν δὲ ἐν λεπός. Cf. Or. 54 § 26, τὸν ἄθλον, ἃ.

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

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

tοσοφότων ταλ.] § 8, ταλαντῶν ἐκοσι.

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

§§ 18—21. Anticipation of the arguments likely to be brought forward by the plaintiff. He will repeat what he stated before the arbitrator, that his mother destroyed his father's papers at the defendant's instigation. If so (1) how came the plaintiff to make a partition of his patrimony, without any papers to determine its amount? Unless those claims were false and fraudulent, which the plaintiff will scarcely admit, he must have gained possession of his father's papers, and his mother could not have made away with them. (2) Why was no question raised when the plaintiff's younger brother came of age and was receiving from his guardians an account of
πρὸς Ἀπολλόδωρον ἐξ ἀρχῆς ἀπαντᾷ ἀκριβῶς, ὁ ἄνδρες Ἀθηναῖοι. οἶμαι τ' Ἀπολλόδωρον τοῦτον 1950 οὖδὲν ἔχοντα δίκαιον εἰπεῖν περὶ ὁν ἐγκαλεῖ, ἀπερ παρὰ τῷ διαιτητῷ λέγειν ἄτολμα, ταῦτ' ἐρεῖν, ὡς τὰ γράμματα ἢ μὴ τηρήμενοι πεισθέναι ὑπὸ τοῦτο, καὶ τούτων ἀπολατών τίνα ἐχεῖ τίνα χρῆ τρόπον ταῦτ' ἐξελέγχειν ἀκριβῶς. περὶ δὴ τούτων καὶ ταύτης τῆς αἰτίας σκέφασθε ἡλικίας ἀν τις ἔχοι τεκμηρία εἰπεῖν ὅτι ψεύδεται. πρὸτον μὲν γὰρ, ὁ ἄνδρες Ἀθηναῖοι, τίς ἂν εὔμετρο τὰ πατρία μῆ καθὼς γράμματα ἐξ ὁν ἐμελλέων εἰσεσθαί τὴν καταλειψθείσαν οὐσίαν; οὐδὲ ἐς δήποτε. καὶ τοιού δεύτερον ἐκείνων ἐτή ἑστὶν ἐξ ὧν ἐνεμivos, καὶ οὐκ ἂν ἔχοι ἐπιδείξαι ὡς ἐνέκλασας

π οἶμαι Z (see Veitch, Gk. Vbs., and Dindf. Præfl. p. xiii.). 19 ἐνεμιλοῦν Z (see Isocr. Paneg. § 83 n.).

their trust! (3) On what papers did the plaintiff base all his many law-suits for the recovery of large sums due to his father?

18. τὰ μένων κ.τ.λ.] Transition from the διήγεισις ὧν πρόθεσις to the πίστευσιν ὧν 'proofs' (Ar. Rhet. iii. 18), from the brief recital of the transactions between plaintiff and defendant (§§ 4—17) to the legal and other arguments.

τῷ διαιτητῷ.] Pollux: τόλαι δ' οὖδεμια (?) δική πρὶν ἐπὶ διαιτή
tάς ἑλεύθερον εἰσέλθεντο. Cf. 54 § 26, ἡ Ναυᾶ μ.ν.

τὰ γράμματα.] Not Pasion's will, but his private papers and ledgers or banking-books, τὰ γράμματα τὰ τραπεζικά (Or. 49 §§ 48, 59 quoted below in note on § 21, ἐκ τοῦ ἱεροῦ γραμματείας). Cf. Or. 49 § 5, οἵ τραπεζικοί εἰσδοσαν ὑπὸ ὁμομοῦ ἰταὶ ἔρωτα σε ὑπὲρ τῆς ἱεροῦ μαται ἀντὶ δὲ τοῦ δίδασκαλον ἱερο-

ημάτων, κ.τ.λ. and Or. 59 § 4.

P. S. D. 11. 2
20 πάπωτε ὑπὲρ τῶν γραμμάτων. δεύτερον δὲ, τις οὖκ ἦν, ἡμέα δὲ ὁ Πασικλης ἀνήρ γεγονός ἐκομίζετο τῶν λόγων τῆς ἐπιτροπῆς, εἰ δὲ αὐτοῦ τὰ γράμματ' ἔκειν τὴν μητέρα αἰτιάσθαι διεφθαρκέναι, τούτῳ ταῦτ' ἐδήλωσεν; ἵππος δὲ τούτου ταῦτα ἦλέγχθη; τρίτον δ', ἐκ ποιῶν γραμμάτων τὰς δίκες ἐλάγχανες; οὕτως γὰρ πολλοὶ τῶν πολιτῶν δίκες λαγχάνουν πολλὰ χρήματα εἰσπέρακας, γράφοντες εἰς τὰ ἐγκλήματα "ἐξελθεὶ μὲ "; ὁ δὲ κακὰ ἀποδίδον ἐμοὶ τὸ ἀργύριον, δ' ἐκατέλειπεν

21 "ὁ πατὴρ ὀφειλοντα ἄυτων ἐν τοῖς γράμμασιν." καθ' οὖν ἡμέα τὰ γράμματα, ἐκ ποιῶν γραμμάτων τὰς δίκες ἐλάγχανε; ἀλλὰ μὴν ὅτι ταῦτ' ἀληθῆ λέγω, τὴν μὲν νομὴν ἀκεπότατην, ἥν ἐνείματο, καὶ μεμορτύρηται

κατέλειπεν Ζ ὑπὸ Σ. ἐλίπει Βεκκ.
ούκον ἐν ταύταις ταῖς λήξεσιν ὁμολόγηκεν ἀπει- 951 ληφέναι. τὰ τοῦ πατρὸς γράμματα τοῖς γὰρ δὴ συκο- φαντεῖν γε, οὔ? ὃν ὁμ. ὁφειλον οὕτω δικαζόσθαι φήσειν ἂν.  

22 ἑν τοῖς τούτων, οἱ ἄνδρες Ἀθηναίοι, μεγάλων καὶ πολλῶν ὄντων ἐξ ὃν ἐστιν ἰδεῖν οὐκ ἀδικοῦντα Φορ- 
μίωνα τούτου, μεγιστον ἀπάντων εἶναι, ὁτι Πασίκλης, 
ἀδελφὸς ὁν Ἀπολλοδόρου τούτου, οὕτη δίκην εἰληφέν 
οὐτ' ἀλλ' ὀδεῖν ὃν οὕτως ἑγκαλεῖ θαλείον αὐτούν 
τοῦ μεν παίδα ὑπὸ τοῦ πατρὸς καταλείψθεντα, καὶ οὐ 
τῶν ὄντων κύριοι ἦν ἐπίτροπος καταλειμμένος, οὐκ 
ἀν ἰδίκει, σὲ δὲ, σ᾽ αὐτῆς καταλείφθης τέταρτα καὶ 

τὰ γράμματα καὶ ἐγγράφησθαι διὰ οὕτως ὁφειλεῖ, καὶ § 59, τὸ 

γράμματα τοῖς τραπεζικοῖς.

λήξεως μαρτυρίας.] 'The de- 
positions in support of' (or 
'verifying') 'these plaints,' 

For λήξις, cf. supr. δικας ἐλάγ-
χαρεν, also Or. 45 § 50, τῇ τοῦ 
δικούντος λήξει ἡ ἑγὼ τοῦν 
ψυχομαρτυρίου διχή and Or. 58 
§ 35, ἐγκέληκε καὶ...τὴν λήξιν 
πετούντων. 

§ 22. Argument from the 
silence of plaintiff's younger 
brother. Pausicles, as a minor, 
had been much more liable to be 
wronged by the defendant, who 
as testamentary guardian had 
control over his ward's property. 

Pausicles makes no complaint. 
Therefore (it is tacitly assumed) 
he had no complaint to make. 
A fortiori defendant is not likely 
to have wronged the plaintiff, 
who at his father's death was 
a man of four and twenty, and 
fully able to defend himself.
εἴκοσιν ἑτή γεγονὼς, καὶ ὑπὲρ σαυτοῦ ῥαδίως ἄν τὰ δίκαια ἐλάμβανες εὐθὺς, εἰ τι ἥδικον. οὐκ ἔστι ταύτα.
ὡς τοῖνυν ταύτ' ἀληθῆ λέγω καὶ ὁ Πασικλῆς οὐδὲν ἐγκαλεῖ, λαβέ μοι τὴν τούτων μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

23 "Ἀ τοῖνυν ἡδὴ περὶ αὐτοῦ τοῦ μὴ εἰσαγόγημον εἶναι τὴν δίκην δέι σκοπεῖν ὑμᾶς, ταύτ’ ἀναμνήσθητε ἐκ τῶν εἰρήμενων. ἡμεῖς γὰρ ὁ ἀνδρεὺς Ἀθηναίοι, γεγενημένου μὲν διαλογισμὸν καὶ ἀφέσεως τῆς τραπέζης καὶ τοῦ ἀποπληρωμοῦ τῆς μισθώσεως, γεγενημένης δὲ διαίτης καὶ πάλιν πάντων ἀφέσεως, οὐκ ἔστι τῶν νόμων δίκας ὅν ἂν ἁφῇ τις ἀπαξ λαγχάνειν,

24 συκοφαντοῦντος τοῦτο καὶ παρὰ τοὺς νομοὺς δικαζομένου παρεγραφάμεθα ἐκ τῶν νόμων μὴ εἶναι τὴν δίκην εἰσαγόγημον. ιν' οὖν εἰδῆτε' ὑπὲρ σοὶ τὴν ψηφον οὐ-

[Πάτε Ζ κυμ Ζ. εἰδῆτε Bokk.]

ὁ Πασ. οὐδὲν ἐγκαλεῖ.] 'Brings no claim against Phormio,' i.e. for property of his father's withheld. Cf. Or. 45, κατὰ Στέφ. A §§ 88, 84, where Apollodorus meets the objection arising from the silence of Paseicles by broaching a suspicion that he is his half-brother only and by insinuating he is really a son of Archippus and Phormio. 'Say no more, pray, of Paseicles; no! let him be called your son, Phormio, not your master; and my opponent (he is bent upon it)—not my brother.'

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

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

23. μὴ εἰσαγόγημον.] Cf. ὑπόθεσις l. 28, n. — διαλογισμοῦ, a reckoning up, or producing of accounts as between the two parties, Phormio and Apoll. Cf. § 60.

ἀφέσεως — μισθώσεως.] The order is (γεγενημένης) ἀφέσεως τὴς μισθ. τῆς τραπέζης κ.τ.λ. Cf. § 24, ἠδεί τῆς μισθώσεως and supra. § 10.

διαίτης κ.τ.λ.] § 16.

24. ἐκ τῶν νόμων.] Contrasted with παρὰ τοῦτο νόμων. As he brought his action contrary to the
σετε, τὸν τε νόμον ὑμῶν τοῦτον ἀναγνώσεται καὶ τὰς μαρτυρίας ἐφεξῆς τῶν παρόντων, ὃτι ἤφθει τῆς μισθῶν 952 σεως καὶ τῶν ἄλλων ἀπάντων ἐγκλημάτων Ἀπολλόδωρος Φορμίων. λαβὲ μοι τὰς μαρτυρίας ταυταία καὶ τὸν νόμον.

ΜΑΡΤΥΡΙΑΙ. ΝΟΜΟΣ.

25 Ἀκούετε τοῦ νόμου λέγοντος, ὃ ἀνδρὲς Ἀθηναῖοι, τὰ τὲ ἄλλα δὲν μὴ ἐλναι δίκαια καὶ ὡσα τῆς ἄφθεης ἢ ἀπάλλαξιν. εἰκότως: εἰ γὰρ ἐστὶ δίκαιον, δὲν ἂν ἀπάξ γένηται δίκη, μηκέτι ἐξεῖναι δικαζομαι, τοιοῦ τῶν ἄφθευσιν δικαιοῦτον μὴ ἐλναι δίκαια. ὡ μὲν γὰρ ἐν ὑμῖν ἥττηθες τοῖς ἀν ἐποιο τοῦτο ὡς ἐξιπατήθητε ὑμεῖς: ὃ δὲ αὐτὸν φανερῶς καταγγειος καὶ ἄφθεης καὶ ἀπαλλάξιας, τῶν ἀν ἑαυτῶν αἰτίαν αἰτισάμενος τῶν

* ἄφθει Ζ.  ὑπὲρ Z. cum Στ. 1.  add. Bekk.

law, we have put in an objection to it which is fully allowed by the law.

25. Ἀκούετε κ.τ.λ. ] Or. 88, παραγραφὴ πρὸς Νωνίακου, § 5. Ἀκούετε τοῦ νόμου αὐτοῦ λέγοντος ἐκείνου δὲν μὴ ἐλναι δίκαια, ὡς ἐν ἑστιν. ὡς τὸς ἄλλος εἶπον, περὶ δὲν ἂν τῷ ἄφθεῃ καὶ ἀπαλλάξῃ, μὴ δικαζομαι. ὡς μὴ ἐλναι δίκαια. Infm. in relative clause influenced by λέγοντος. ‘Among other cases in which an action cannot be maintained, those especially in which a discharge and release have been given or received.’

ei γὰρ κ.τ.λ. ] The sense is, ‘If it is just that, when once a case has been tried, it should not be tried again, even although the defeated litigant might fairly plead that the court had been imposed upon, a fortiori there is no ground for re-opening the question when a man has judged his own case and has palpably decided against himself by giving and receiving a discharge.’ Of Or. 87, § 30.

αὐτοῦ...καταγγειος. ] The two subsequent participles are subordinate in construction to καταγγειος. ‘He who has clearly condemned (given a verdict against) himself by both granting and getting a release and discharge.’ Madvig Gr. Syst. § 176, d. ἄφθεῃ καὶ ἀπαλλάξῃ. ] It is clear the words do not mean the same thing, for below we have γέγονεν ἀμφότερα καὶ γὰρ ἄφθεῃ καὶ ἀπαλλάξῃ. ἄφθεην is used of the lender, or the landlord, who, on settlement of his claims, releases the borrower or the tenant from all further liability (§§ 10, 15, 16, 17, 24). ἀπαλλάττειν refers to the debtor or tenant getting quit of his creditor or landlord by discharging or compromising the debt (§ 22 τῶν διαφθείνων).
Αὐτῶν πάλιν εἰκότως δικάζοντο; οὐδεμιᾶν δὴ ποιος. διότι τοῦτο πρῶτον ἔγραφεν ὁ τῶν νόμων θεὸς ἦν μὴ εἶναι δίκαιος, ὅσα τις ἄφηκεν ἢ ἀπείλαξεν. ἄ τοῦτο γέγονεν ἀμφότερα καὶ γὰρ ἄφηκε καὶ ἀπείλαξεν. ὥστε ἀληθῆ λέγω, μεμαρτύρηται ὑμῖν, ὁ ἄνδρες Ἀθηναῖοι.

26 Δαβὲ δὴ μοι καὶ τὸν τῆς προθεσμίας νόμον.

ΝΟΜΟΣ.

"Ὁ μὲν τοινύν νόμος, ὁ ἄνδρες Ἀθηναῖοι, σαφῶς οὐτωσὶ θ' θ' χρόνον ὀρίσεις. Ἀπολλάδορος δ' οὖτοι παρελθούσθων ἐτῶν πλέον ἢ εἴκοσι τὴν ἑαυτοῦ συκοφαντίαν ἄξιοι περὶ πλεῖονος ὑπὸς ποιήσασθαι τῶν τάς ἀπείλαξεν." Setting a cross account between lessor and lessee (e.g. Apoll. and Phormio) would involve a double release and quittance on either side.

The present passage is the subject of the following article in Harpocratio, ἀφεῖς καὶ ἀπαλλάθησ' τὸ μὲν ἀφεῖς δὲ τοποθέτησις τι καὶ τῶν ἀγαλμάτων ἢ ἐνέκαλες αὐτῷ, τὸ δὲ ἀπαλλάθησις, ἢ μεταξὺ τῶν ἐθνικῶν ἀναφέρθηκε καὶ μεικτῆ ἐγκαλεῖς (reducto): Δημοσθένης ἐν τῇ ὑπὲρ Φορμιώνος παραγγέλξῃ. ὡς δὲ καὶ ὁτιόσον εἴπει, δι' ἂν τحجοι μὲν τις ἄνωτον μόνον ἢ ἐνέκαλε, ἀπαλλάθεπτε δὲ, ἢ τὸν μισθὸν ταῦτα λόγον ἐπιλέγῃ πρὸ τοῦ ἐγκαλείμενον. Δημοσθένης ἐν τῇ ὑπὲρ Φορμιώνος παραγγέλξῃ "ὡς ἀπαλλάθητ' τέσσαρ' ἄνωτές ἅν μὴ γένηται παρά ὑμῖν κυρά." Cf. Or. 37 §§ 1, 16, 19; Or. 38 § 5; Or. 38 § 8. Bekk. Anecd. pp. 202, 469.

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

§ 26. The plaintiff's suit is also inadmissible for another reason; it contravenes the statute of limitations, in which the term of five years is fixed as a sufficient time for injured parties to recover their dues, whereas the plaintiff puts forward his claim after a lapse of more than twenty years.

προθεσμίας νόμον.] (See Dict. Antiq. s.v.)—Harpoc. Δημοσθένης ὑπὲρ Φορμιώνος τὴν τῶν ἀντίκεισθαι τῇ λέγοντα, ἢ ἀρχηγός προθεσμίας ὁ ἥρως, ὃς ἐν τῷ λόγῳ ὑποσχαίνει. See Or. 38 §§ 17, 27, and cf. Isaeus, 35§ 58, and Plato Leg. p. 95a. (Caillemer, la Prescription à Athènes, 1869, and K. F. Hermann, Privatalt, § 71, 5 and 6.)

πλέον ἀποικεῖν.] The speaker apparently goes back to the time of Pasion's lease of the banking business to Phormio, which cannot well have been later than B.C. 371, when Pasion was so infirm that he died a year after.
νόμων, καθ’ οὖς ὄμωμοκότες δικάστε. καὶ τοῖς νόμοις προσέχειν εἰκός ἐσθ’ ὑμᾶς, οὐχ ἦκιστα 27 δὲ τούτῳ, ὃ ἀνδρεῖς Ἀθηναίοι. δοκεῖ γὰρ μοι καὶ ὁ Σόλων οὐδενὸς ἄλλον ἔνεκα θείαινα αὐτὸν ἢ τοῦ ποὺ ἱκοφαντεῖνθαυ ὑμᾶς. τοὺς μὲν γὰρ ἀδικομένους τὰ πέντε ἔτη ἠκαίον ἡγήσατ’ εἶναι εἰσπράξασθαι κατὰ 953 δὲ τῶν ὕσυνδομένων τὸν χρόνον ἐνόμισε σαφέστατον ἔλθενον. ἔσεθαί, καὶ ἄμα ἐπειδή ἄδικον ἔγνως ἐν τοῖς τε συμβάλλοντας καὶ τοὺς μάρτυρας αἵο ἴχνει, τὸν νόμον ἀντὶ τοῦτων ἔδηκεν, ἐπικράτεσεν εἰς τοῦ δικαίου τοὺς ἔρήμους.

28. Θαυμάζω τοιών ἔγωγε, ὃ ἀνδρεῖς δικαστάι, τί ποτ’

υ Bock, καὶ ἄμα καὶ Ζ cum Σ.

This would bring the date of the speech to B.C. 861 at the earliest, and B.C. 350 cannot be far wrong. See Introduction.

καθ’ ὄντι ὄμωμοκότες κ.τ.λ.] Pol-lux: ὁ ὄρκος ἤ τῶν δικαστῶν, περὶ μὲν ὧν νόμοι εἰσι, ψυχεῖσθαι κατὰ τοὺς νόμους, περὶ δὲ ὧν μὴ εἰσι, γνώμη τῇ δικαιοτατῇ.

27. δοκεὶ ὁ Σόλων.] A favourite piece of elop-trap, to remind the dickasts of the solemnity and high authority of the law they administer.

tοὺς ἀδικομένους...τῶν υψωδο-μένων.] i.e. The legal term of five years would be quite sufficient for injured parties to recover their rights if their claim were an honest one, whereas those who set up false claims, (a pointed thrust at the present plaintiff,) would be convicted by the fact that they had allowed the statuteable period to elapse without taking action. (Ἑλεγχον δηλοῦσαι so. si per tot annos tacuissent. G. H. Schaefer.) τῶν υψωδομένων is sometimes wrongly supposed to imply that as in Roman law there was no statute of limitations against right of recovery of things stolen, (quod subreptum erit, eius rei ac terrae auctoritas esto,) so in Attic law there was none in case of falsehood, i.e. that even after five years a claim based on a false assertion might be disputed. (Telfy, Corpus iuris Atticis § 1587, and K. F. Hermann, Privatalt. § 71, 6.) Here therefore it merely means κατὰ τῶν συκοφαντούσων.

τὰ πέντε ἔτη.] The well-known legal term of five years.

taxon νόμον ἀντὶ τοῦτων κ.τ.λ.] That is, 'The contracting parties themselves, and the witnesses to that contract, could not live forever; and therefore the legislator laid down the law, with its limit of time, designing that, in lieu of living witnesses, the des-tinate should find therein a deathless witness on the side of right.'

§§ 28—32. Plaintiff's probable reply anticipated. Surely he will not ask his audience to resent the defendant's marriage with the plaintiff's mother. Α-
mong bankers, there are many precedents for such an arrangement, and on grounds of expediency, as the only means of keeping up the business, Pasion acted prudently in directing that Phormio should marry his widow and thereby binding him more closely to his own household.

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

That the marriage was directed by Pasion is not only expressly proved by the will, but is inferentially concluded from the plaintiff's own admission; for on his mother's death he permitted her two children by Phormio to share her property equally with himself and Pasicles, her two children by Pasion, and thus allowed the legality of this second marriage.

28. μηδὲν ὄρατος.] i.e. ἂν καὶ μηδὲν όρατος. Goodwin, Moods and Tenses, § 52, 1.

29. ἐστὶν τὰύτι ἐπιχειρήσει λέγειν Ἀπολλόδορος οὗτος. οὐ γὰρ ἐκεῖνος ὑπειλήφεν, ὡς ὑμεῖς, μηδὲν ὄρατος εἰς χρήματα τούτον ἠδικημένον, ὄργυεάς οτι τὴν μητέρα ἐγγεγείρει αὐτοῦ Φορμίων. οὐ γὰρ ἄγνοει τούτο, οὔτ' αὐτὸν λέξιθεν, οὔτ' ὑμῶν πολλάκις, ὅτι ὅσοι Σωκράτης ὁ τραπεζίτης ἔκεινος, παρὰ τῶν κυρίων ἀπαλλαγεῖς ὄσπερ ὁ τούτου πατήρ, ἔδωκε Σατύρῳ τὴν ἑαυτοῦ γυναῖκα, ἐαυτοῦ ποτὲ γενομένην. ἔτερος Σωκλῆς τραπεζίτευσα ἔδωκε τὴν ἑαυτοῦ γυναῖκα Τιμοδήμῳ τῷ νῷ ἐν δύνα καὶ ἀνάμνεσιν ποτὲ αὐτοῦ. καὶ οὗ μόνον ἐνυδαί ταῦτα ποιοῦσιν οἱ περὶ τὰς ἐργασίας οὗτες ταύτας, ὃ ἀνδρεῖς Ἀθηναῖοι, ἄλλ' ἐν Ἀγίνῃ ἔδωκε Στρυμόδορος Ἐρμαίῳ τῷ ἑαυτοῦ οἰκητῇ τὴν γυναῖκα, καὶ τελευτασάς τῆς ἐκεῖνης ἔδωκε τὰλιν

2 ἑαυτοῦ Ζ.
The latter then gave his daughter in marriage to his former servant. The first hence therefore must mean, 'directed in his will that, after his own death, his widow should marry Hermas.'

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

The sense is, 'though it would be wrong to prefer wealth to citizenship, it would also be unreasonable to be careless of the wealth which has gained you that very honour and privilege.'

aὐτῶν ὑπὲρ...κ.τ.λ.] Disgracing, outraging, casting contumely on, himself and his family. Though you threatened Phormio with a γραφή ὑπὲρ...κ.τ.λ.] Necessitate, 'by a family tie.'

ὑμῖν...ὑμεῖς. ‘Your family.’ Cf. Or. 55 § 5, n.


XXXVI. ΠΑΡΑΓΡΑΦΗ [§§ 31—33.

ἀναίνειν' Φορμίωνα κηδεσθὴν, ὥρα μὴ γελοῦν ἢ σὲ ταύτα λέγειν. εἰ γὰρ τις ἐρωτᾶ σε, ποιῶν τιν' ἤγει* τὸν πατέρα τῶν σεαυτοῦ* εἶναι, χρηστὸν εὐ̂ οἶδ' ὅτι φήσεις ἂν. πότερον οὖν οἷοι μᾶλλον εἰκόναι τὸν τρόπον καὶ πάντα τῶν βίων Πασίων σεαυτόν ἢ τούτοι; ἐγὼ μὲν 32 γὰρ εὐ̂ οἶδ' ὅτι τούτον. εἴθ' ὃς ἐστίν ὁμοίότερος σοῦ τῷ σῷ πατρὶ, τούτον, εἰ τὴν μητέρα τὴν σὴν ἔγημεν, ἀναίνειν'; ἀλλὰ μὴν ὃτι γε δόντος καὶ ἐπισκήψαντος τοῦ σοῦ πατρὸς ταύτ' ἐπράξεθι, οὐ μόνον ἐκ τῆς διαθή-

κης ἐστίν ἰδεῖν, ὁ ἄνδρες Ἀθηναῖος, ἀλλὰ καὶ σὺ μάρτυς αὐτὸς γέγονας. ὃτε γὰρ τὰ μητρὸνα πρὸς μέρος ἥξιον νέμεσθαι, ὄντων παιδῶν ἐκ τῆς γυναικὸς Φορμίωνος τούτως, τότε ὁμολογεῖς κυρίως δόντος τοῦ πατρὸς τοῦ σοῦ κατὰ τοὺς νόμους αὐτὴν ἐγειμήσθαι. εἰ γὰρ αὐτὴν εἰς ἅλον ἀδήλῳ ἢ ἐκ μηδενὸς δόντος, οὐκ ἦσαν οἱ παιδῶν κληρονόμων, τοὺς δὲ μὴ κληρονόμων οὐκ ἦν μετουσία τῶν ὄντων. ἀλλὰ μὴν ὅτι ταῦτ' ἀληθῆ λέγω

31. πρὸς γένους δόξαν.] Sc. βλέπων.
ἀναίνειν.] 'Disdain,' 'scorn,' 'disown,' 'turn up your nose at;' in family pride. Hærproc. ἀναίνεσθαι κοινῶς μὲν τὸ ἀρείησθαι, ἂν δὲ ἔτι τῶν κατὰ τοὺς γάμους λέγεσθαι. Δηλ. ἐν τῇ ὑπὸ Φορμ. παραγραφῇ.—κηδεσθὴν in general a relation by marriage, here used of the stepfather.

σὲ ταύτα λέγειν.] Notice the emphatic pronoun.

32. δόντος κ. ἐπισκήψαντος.] By your father's special grant and injunction.

πρὸς μέρος.] 'Share and share alike.' § 8, ἀντιμοιρέται νέμεμεν, νεμέσθαι. Οὐ παιδῶν... Φορμίωνι se note on τὸ τέταρτον μέρος infr. οὐκ ἦσαν κληρονόμοι.] The proposition is categorically, not conditionally stated, 'then the children were not heirs; and if they were not heirs, then they had no share in the property.' The right of inheritance was confined to the children born ἐξ ἀρχῆς καὶ ἐγγενῆς γυναικὸς Isae. de Ciron. § 19, pro Eur.-
μεμαρτύρηται τῷ τὸ τέταρτον μέρος λαβεῖν καὶ ἀφεῖναι τῶν ἐγκλημάτων ἀπάντων.

33 Καὶ οὖν δὲν τοιῶν, ὁ ἀνδρεὶς Ἀθηναῖος, δίκαιον οὖν ἔχων εἰπεῖν ἀναδεστάτους λόγους ἐτόλμα λέγειν πρὸς τῷ διαίτητι, περὶ ὧν προακηκοέναι βέλτιον ἐσθ' 955 ὑμᾶς, ἐνα μὲν τὸ παράπαν μὴ γενέσθαι διαθήκην, ἀλλ' εἶναι τοῦτο πλάσμα καὶ σκευόρρημα δλον, ἔτερον δ' ἔνεκα τοιῶν πάντα ταῦτα συγχωρεῖν τὸν πρὸ τοῦ χρόνον καὶ οὐχὶ δικάζεσθαι, ὅτι μέθυσσιν ἤθελεν αὐτῷ φέρειν Φορμίων πολλὴν καὶ ὑποχεῖτο οἶσειν ἐπεὶ δ' οὖ ποιεῖ ταῦτα, τηρικαῦτα, φησὶ, δικάζομαι.

At the property is divided into four parts, one of which is taken by Apollodorus, another by his brother Pausicles. The other two go to the children of the second marriage, who must have been two in number.

ἀφεῖναι τῶν ἐγκλ.] § 3 ἀφεῖσις, § 25 ἀφεῖς κ. ἀπαλλάξως, n. §§ 33—35. Anticipation of plaintiff's arguments, continued. He will impudently assert (1) that his father made no will and that the document produced was a forgery; and (2) that the reason why he forbore to press the charge at the proper time was that defendant promised to pay him a high rent.

In answer to (1), if there was no will, how came the plaintiff to succeed to the lodging-house which he holds in accordance with the terms of the will? In answer to (2), it is in evidence that after the termination of the defendant's lease, the plaintiff let the business to others; had the plaintiff any lawful claim on the defendant, he ought certainly to have brought it forward at the time of the subsequent lease.

33. εἰπεῖν...λέγειν.] Almost identical in meaning and used, as often, for variety of expression. Phil. ii. § 11, ταῦθ' δ' πάντες μὲν δι' ἐλέους λέγειν, ἐξω δ' οὐδ' εἰπεῖν δεδώνται. Isocr. ad Dem. § 41 and Panag. § 11 n.

πλάσμα κ. σκευόρρημα δλοιν.] 'A fragment and a forgery from beginning to end.' Hesych. σκευόρρημα: πλάσμα, κακουργία, κατασκευή, τὸ γνώμων κατασκεύασμα εἰς βάδισμα, and id. σκευορρήμα: κατασκευή.

In Or. 46 § 42 Apollodorus himself, in criticising the διαθήκη, concludes with the words πάντα πεπλάσμενα καὶ κατασκευασμένα ἐλέγχεται. Cf. Or. 41 § 24 σκευόρρημα.

τὸν πρὸ τοῦ χρόνον.] 'During the former period.' πρὸ τοῦ sometimes spelt as one word πρότοιον. οὖχι δικάζεσθαι.] See Shilleto on Thuc. r. p. 153.

μέθυσσιν φέρειν.] We have frequently had μέθυσσιν in the sense of 'lease;' we here find it used like μέθυσσιν for 'rent.' Or. 28 § 12 ἀποδέσκει τὴν μέθυσσιν followed by λαβῶν τὴν πρόσο-

δον.
34 ὅτι δὲ ταῦτ' ἁμφότερ', ἐὰν λέγῃ, ψεύδεται καὶ τοὺς ὑφ' ἐαυτοῦ πεπραγμένους ἐναντία ἔρει, σκοπεῖτε ἐκ των δι', ὅταν μὲν τούς τὴν διαθήκην ἀρνήσατε, ἐκ τίνος τρόπου προσβεία λαβῶν τὴν συνοικίαν κατὰ τὴν διαθήκην ἔχει, τοῦτ' ἐρωτᾶτ" αὐτόν. οὐ γὰρ ἐκεῖνο γ' ἔρει, ὡς ὅσα μὲν πλεονεκτεῖν τὸν ἔγραψεν ὁ πατήρ, κυρία 35 ἐστὶ τῆς διαθήκης, τὰ δ' ἄλλα ἀκυρα. ὅταν δ' ὑπὸ τῶν τοῦτο ὑποσχέσεων ὑπόγευσα τῇ, μέμησθ' ὅτι μάρτυρας ὑμῖν παρεξήγημεθα, οἱ χρόνων πολὺ τοῦτ' ἀπηλλαγμένου μιθαδωτά διά τὸν ἐγυνόντω τῆς τραπέζης καὶ τοῦ ἀπειδοπηγεύου. καίτοι τὸθ', ὑπηνίκα ἐμισθωσεν ἐκεῖνοι, τῷ δ' ἐγκαλεῖν παραχρῆμα ἔχων, εἰπὲν ἄλληθ' ἥν υπέρ ὑμν τότ' ἀφεῖς νῦν τοῦτῳ δικαζέται. ὡς

84. προσβεία.] By right of primogeniture.

τὴν συνοικίαν.] "It should be observed that the Attic language distinguishes between dwelling-houses (οίκεια) and lodging-houses (συνοικίαι); accidentally indeed a dwelling-house might be let out for lodgings, and a lodging-house have been inhabited by the proprietor himself" (Boeckh, Publ. Econ. i. 90).

Apoll. may have already had a household of his own and his father may therefore have assigned him a συνοικία. (A. Schaefer Dem. u. s. Zeit, ii. 2. 188.) Cf. § 6 τῆς συνοικίας, n.

35. υποσχέσεως.] He will tell you, perhaps, that Phormio promised to pay a good rent (ὑποςχέτο § 35), and so for a long time he withheld further action.

χρόνω τοῦ.] 'For a long time' (ten years as appears by § 37), acc. of duration of time, to be taken with μιθαδωτα ἐγγυηούτο. Kennedy seems to be mistaken in taking it with τοῦθ'.

dιαπλαγμένου and translating 'who, long after the defendant's retirement, took a lease.' On the contrary, the new lease must have been granted very shortly after the defendant's connexion with the business ended, as eighteen years elapsed from the division of the property to the date of the speech, and the first eight belong to Phormio's lease and the last ten to the later lease of Xenon, &c. (cf. §§ 37, 19, 12). The general sense is this:

We have proved that, after Phormio had given up the bank, others became and long remained lessees (§ 13) of it. Apollodorus ought, the moment they took it, to have looked after his dues, and seen that all his money was in the business. But he made no claim at all, nay even thanked Phormio for his good services in the management,
τοίνυν ἀληθῶς λέγω, καὶ πρεσβεύα τε τὴν συνοικίαν ἐλαβὲ κατὰ τὴν διαβάσχην καὶ τῶδε οὖχ ὅπως ἐγκαλεῖν ἔμετα δεῖν, ἀλλ' ἐπεμένει, λαβὲ τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

38 Καλλιστράτῳ, τάλαντον τοῦ ἑναντοῦ ἐκάστου. χωρίς
de τούτων, ἐτῶν ἰσος εἴκοσι τῆς ἐξ ἀρχῆς νεμηθείσης
οὐσίας, ἤς αὐτὸς ἐπεμελεῖτο, τὸς προσόδους, πλέον
ἡ μνᾶς τρίάκοντα. ἐὰν δ' ἀπαντᾷ συνθήτε, ὅσα ἐνεί-
ματο, ὅσα εἰσεπράξατο, ὅσ' εἴληφε μισθώσιν, πλέον
ἡ τετταράκοντα τάλαντα εἰληφὼς φανήσεται, χωρίς
ἀν ὁδὸς εὗ πεποίηκε, καὶ τῶν μητρῶν, καὶ ὃν ἀπὸ
tῆς τραπέζης ἔχων ὅλα ἀποδίδωσι πένθος ἡμιταλάντων
καὶ ἐξακοσίων δραχμῶν. ἄλλα νὴ Δία ταύθ' ἡ πόλις
ἐἴληφε, καὶ δεινὰ πέπονθας πολλὰ καταλείπουργη-

phraeus had risen from a subor-
dinate position, to be one of the
lessees of the bank. Cf. § 14
ἐλευθέρους δέδοσαν, π. μ.
38. ἐτῶν ἰσος εἴκοσι.] In
§ 19 the interval is more strictly
stated at eighteen years.

τῆς ἐξ ἀρχῆς κ.τ.λ.] See § 11.
Apollodoros had chosen the
shield-manufactory; and the
rents of it, under his own ma-
agement, are now reckoned as
part of his general income.

ἐὰν ἄπαντα συνθήτε κ.τ.λ.]
'If you add up all the items.'

ἐνείματο more than 80-
for eighteen years =
more than 540= 9

ἐλευθέρω ο ἐκτίχον γάρ
πλέον στὰ ἡμέραν ὅρ
more than 10, say 11

εἴληφε μισθώσιν from
Phormio 80=for eight
years =10 40

from
Xenon, &c., 1=for ten
years =10

Total more than 40 40=40-
or πλέον ἔτη τετταράκοντα ταλ.

ἀν ὁδὸς εὗ πεπ.] Referring
probably to Phormio's free gift
of 3000 dr. (§ 15).—τῶν μητρῶ-

φων, a fourth part of his mother’s
property (§ 32). Otherwise we
must understand it of an occa-
sional bonus for the good-will
of the bank: and to this ἐγέρα
might refer in § 35.

πένθος ἡμιταλάντων.] Two and
one-half talents, not four and
one-half as Jerome Wolf and Ken-
dedy translate it (which would
require τέμπυντον ἡμιταλαντου).
The plaintiff's unpaid debt of
150 is with a bitter emphasis
mentioned last in the list of his
resources.

39. ἄλλα νὴ Δία.] Introduc-
ing a supposed rejoinder on the
opposite side. 'Oh! but he will
say, All this wealth has been
received, in fact, not by him,
but by the city.' Cf. Or. 54 §
34 μ.

καταλείπουργηκᾶς.] You
make out that you are cruelly
wronged, through your having
(or, after having) 'lavishly spent,'
as it were 'liturgised away,'
your money in the public ser-
vice. For this use of κατα-
cf. Isaens Or. 5 § 43 εἰς τὴν
tῶν πόλεως ὁδός εἰς τοὺς φίλους
ἀναθέτεις ὑδέαν. ἄλλα
μην οὐδὲ καθ' ἐπιπτοῦροφηκας, ὁ γὰρ
πώτερος ἐκτῆσε ἡπτὸν πλεονῦς
tῶν ἀνωτέρων ἄξιος ἢ τριῶν μηνῶν ὁδός κατεξεν.
κάς. ἀλλ' ἂ μὲν ἐκ κοινῶν ἐλειτούργεις τῶν χρημάτων, σὺ καὶ ὁ ἀδελφὸς ἀνήλωσατ' ἢ ὑπερευνεῖ, οὐκ ἔστων ἁξια μὴ ὅτι δυνῶν ταλάντων προσόδου, ἀλλ' ὣδ' εἰκοσι μινών. μηδὲν οὖν τὴν πόλιν αἰτίων, μηδ' ἂ σὺ τῶν δυτικῶν αἰτίων καὶ κακῶς ἀνήλωκας, ὅτε ἡ πόλις 40 εἰληφε, λέγε. ὑπὲρ δ' εἴδητε, ὁ ἀνδρὸς Ἀθηναίοι, τὸ τε πλῆθος τῶν χρημάτων ἐν εἰληφε, καὶ τὰς λειτουργίας ἀς λειτούργητε, ἀναγνώσατε ύμιν καθ' ἑν ἐκαστὸν. λαβῇ μοι τὸ βιβλίον τούτο καὶ τὴν πρόκλησιν ταυτήν" 957 καὶ τὰς μαρτυρίας ταυτάς.

ΒΙΒΛΙΟΝ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΤΡΙΑΙ.

41 Τοσαῦτα μὲν τοίς χρήμαта εἰληφότας καὶ χρέα πολλῶν ταλάντων ἔχον, ὅταν μὲν παρ' ἐκόντων, τὰ δ' ἐκ τῶν δικῶν εἰσπράττει, δ' τῆς μισθώσεως ἐξώ τῆς τραπέζης καὶ τῆς ἄλλης οὐσίας, ἢν κατέλιπε Πασιῶν, ὡφελέστε ἐκείνῳ καὶ τὸν παρελήφασιν οὖτοι, καὶ τοσαῦτ' ἀνήλωκας ὅτε ὑμεῖς ἱκουσατε, οὐδὲ πολλοστών μέρος τῶν προσόδων, μή ὅτι τῶν ἁρχαίων, εἰς τὰς λει-

1 Bekk. ομ. Ζ cum Σ.

γορμήθηκας, ἢ ὅτε ἐνεγος ἐκ-
τῆς χρήσιμον οὐδεπότε ἐτέ το-
σοῦν ἄχρος καὶ κτῆμα.

[So καταχρῆσθαι, ‘to give away in present,’ καταχρῆσθαι, καταχροδοίω, καταδροδοκεῖν, καταχροδούθεθαι, καθυστερεῖσθαι τις De Fals. Leg. §§ 362, 389. Ζ.]

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

ἐλειτούργεις.] See Dict. Ant.; also F. A. Wolf's preface to Dem. Leptines (Beaton's trans. p. 40 sqq.) and Boeckh's Public Econ., Book 4 §§ 10—15. Among the leitousarignai were the τριηραρχία

and χρησία referred to in § 41 fin.

μη δὴ...ἀλλ' οὖν.] See note on Or. 34 § 14, and cf. 27 § 7; 48 § 9; 50 § 39. (Madvig's Grk. Syntax, § 212, and Kühner's Ausf. Gram. der Griechischen Sprache, π. § 535, 4.)

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

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

41. ἢ τῆς μισθ. κ.τ.λ.] This order is ἢ (ἐξω τῆς μισθώσεως τῆς τραπέζης κ.τ.λ.) ὡφελέστε τῷ Πα-
σίων καὶ ἢ οὖτοι (sc. Apoll. and Pasioles) παρελήφασιν.

οὐδὲ πολλοστῶν, κ.τ.λ.] 'The
τουργίας, ὑμᾶς ἀλαζονεύστε καὶ τριπαρχίας ἔρει 42 καὶ χορηγίας. ἔγει δ', ὡς μὲν οὐκ ἀληθὴς ταῦτ᾽ ἔρει, ἐπεδείξα, οimientos μὲντοι, κἀν εἰ ταῦτα πάντ᾽ ἀληθῆ λέγοι, καλλίον εἶναι καὶ δικαιότερον τόνδε ἀπὸ τῶν αὐτῶν λειτουργεῖν ὑμᾶν ἢ τοῦτο δῶντα τὰ τοῦτο, μικρὰ τῶν πάντων αὐτῶν μεταχόντας, τόνδε μὲν ἐν ταῖς ἐσχάταις ἐνδείκαις ἄραν, τοῦτον δ᾽ ὑβρίζοντα καὶ 43 εἰς ἅπερ εἴσθεν ἀναλίσκοντα. ἀλλὰ μὴν περὶ γε τῆς εὐπορίας, ὡς ἐκ τῶν τοῦ πατρὸς τοῦ σοῦ κέκτηται, καὶ

1 οἴομαι Ζ (σφ. § 18).

smallest fraction of his income, not to say (I needn’t say) of his capital.’ This explains τοιοῦτ᾽; tantilla.

ἀλαζονεύστε .... τριπαρχίας ἔρει.] ‘Will in bragging terms talk of his trierarchical (and choragic) expenses.’ Of such ἀλαζονεία there are instances again and again in Dem. and the other orators, e.g. Midias p. 566 seqq. In Or. 45 § 95, Apollodorus appeals to his father’s trierarchies, and in § 66 taunts one of Phormio’s witnesses, Stephanus, with having never done the smallest service to the state by τριπαρχία or χορηγία or any other λειτουργία whatever.

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

42. τόνδε ἀπὸ τῶν αὐτῶν.] ‘That he should continue to serve you from his own resources,’ &c. Pointing to Phormio, who is also referred to in τόνδε μὲν two lines further on. —τοῦτο δῶνα τοῦτον, i.e. handing over to the plaintiff (Ἀρ. the property of the defendant (Phorm.). For a similarly ambiguous use of demonstrative pronouns, see above, § 13 n.

τόνδε μὲν...τοῦτον δ᾽.] Defendant and plaintiff respectively.

εἰς ἅπερ εἴσθεν ἀναλίσκοντα.] A deliberately vague innuendo, which is partly justified by the details of a subsequent section (§ 45). In Or. 45 § 77, Apollodorus says with some self-complacency: τῷ μετρίοις κατὰ πᾶσας τὰς εἰς ἐμαυτὸν δανάδας εἶναι πολὺ τοῦτον καὶ τοιούτων ἔτερων εὐταξιότερον ζῶν ἐν φα- νερῷ.

§§ 42—48. As to the defendant’s wealth, and his having got it from your father’s estate, you should be the last man in all the world to use such language. The defendant, like your own father, made his money by faithful and honest service, by personal integrity of.
character, and by that good credit and fair fame which in the commercial world is the best kind of capital.

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

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

P. S. D. Π,
the commercial world and the money-market it is thought a wonderful thing, when the same person shows himself to be both honest and diligent. The order is: θαυμαστῶν ἥλιον ἦτοι ἀνθρώποι ἐργαζόμενος ἐν ἑμπόρῳ καὶ (ἀργολόγως) χρηματί, τὸν αὐτὸν δόξαι ἀνθρώπων καὶ εἰμί χρηστόν, i.e. a reputation for business-like habits and a really honest character, when combined in the same person, have a striking influence in the money-market and the commercial world.

ἐν should be taken with ἑμπόρῳ only, the construction being (as G. H. Schaefer notices) ἐργάζεσθαι ἐν ἑμπόρῳ with the preposition, and ἐργάζεσθαι χρηματί without. Cf. Or. 57 § 31, ἐν τῇ ἁγορᾷ ἐργάζεσθαι with Or. 38 § 4, where τῇ ἐργασίᾳ τῆς κατὰ θελήματι is followed by τούτος (see τῷ χρηματί) περὶ πρωτοις ἐργάζεσθαι. [ἐν ἑμπόρῳ may also be taken by itself, 'in trade it is thought a great matter,' &c. P.]

dόξαι is slightly contrasted with έναι, the outward reputation for business habits with the inward and inherent honesty (cf. ἐν ἁρπατός below). G. H. Schaefer says, 'dativus regitur a verbo δόξαι. Deinde τὸ ἐξῆς est: τὸν αὐτὸν δόξαι εἰμί ἀνθρώπων καὶ χρηστόν,' but the position of δόξαι and έναι makes against this construction. Cf. Aesch. Theb. 592, οὐ γὰρ δοκῶν δίκαιον ἀλλ' έναι θέλει.

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

οὐτε—οὖτε.] 'As then his masters did not bequeath to Pasion this virtue, but his honesty was natural, so neither did Pasion bequeath it to Phormio; for he would have made you honest rather than him, had it been in his power.' The philosophic questions, εἰ διδακτος ἀρετή, καὶ τὸ φώσι ἄναν κράτιστον, are perhaps held in view, though it is seldom that Demosthenes enters on the region of philosophy. P.] πιστίς ἀφορμῆ.] 'If you don't know that for money-making the best capital of all is good credit; then, what do you know?' ἀφορμῆ.] Cf. § 12 n.

χωρίς...παρά.] An accidental iambic line. See Isocr. Paneg. § 170 n.—On ὑμετέροις, cf. § 30 fin.
πολλὰ καὶ τῷ σῷ πατρί καὶ σῷ καὶ ὅλως τῶν ὑμετέρων πράγματε Φορμίων γέγονεν χρήσιμος. ἀλλ’, οἷμαι, τῆς σῆς ἀπληστίας καὶ τοῦ σου τρόπου τῆς ἀν δύνατον 45 ἐφικέσθαι; καὶ δὴ ταυταῖον πῶς οὐ λογίζεσθε πρὸς σεαυτόν ὅτι ἔστιν Ἀρχεσπράτῳ τῷ ποτὲ τῶν σῶν πατέρα κτησαμένῳ υἱὸς ἔνθαδε, 'Ἀντίμαχο, πράττων οὐ κατ’ ἀξίαν, δὲ οὐ δικάζεται σοὶ οὐδὲ δεινὰ φησὶν πάσχειν, εἰ σὺ μὲν χαλάνδα φορεῖς, καὶ τὴν μὲν λέξυ- σαι, τὴν ἐκδέδωκας ἔταλαν, καὶ ταῦτα γνώσθ᾽ ἔχων τοιεῖς, καὶ τρεῖς παίδας ἀκολούθους περιάγεις, καὶ ζῆς

ο剥离 Z.

P. Beck. οἱ τῶν Ζ cum Σ (cf. Isocor. ad Dem. § 14 n.).

δοκιμάζει. 'Generally.'

ἀλλ’, οἷμαι...τῆς ἀν δύνατον.] Questions of this kind are often best rendered by a negative sentence. 'But no one, I feel, can come up to your covetousness and your general character.' 'Your covetousness, &c. no language, I take it, can adequately describe.' [For the genitive see on Aesch. Cho. 1022. P.]


λέξυσαι.] 'Redeemed' from her owner. Herod. π. 116 (of Rhodopis) ἀπικομένη κατ' ἐργα- σίαιν ἐλθθ' χρημάτων μεγάλων ἄν οὐδὲν Μυτιληναοῦ. Ar.Vesp. 1858, ἐγὼ δὲ...λυσάμενοι ἔξω ταλακῆν. Dem. Or. 48 § 53 ἔταλαν λυσάμενοι ἔνδον ἔχει. [It may be remarked that Demosthenes is particularly fond of using perfect passives in the medial sense. P.]

ἐκδέδωκας.] Given away in marriage. Or. 59, κατὰ Νεαπρασ, § 78 (ἡ ἀνθρωπος) ἑξεδοθή τῷ Διονύσου γυνη, and Or. 27 § 69 διηγαθέρας παρὰ σφῶν αὐτῶν ἐκ- δόσθαι.

καὶ ταῦτα γνώσθ᾽ ἔχων.....] 'And that too, when you have a wife.' In his speech τῶν Πολυκλέα, Apollodorus, contrary to what might be expected from the present passage, speaks in affectionate terms of his wife. Or. 50 § 61, ἡ γυνὴ ἣν ἐγὼ περὶ πλείον ποιοῦντα ἄδειερθος ἐπείκετο πολὺν χρόνον. Παίδας ἀκολούθουσαν.] Or. 21 (Meidias) § 168 τρεῖς ἀκολούθουσα ἡ τέτταρα αὐτὸς ἅγου διὰ τῆς ἁγορᾶς σοβεί. Xen. Mem. Ῥ. 7, 2, σκεῦος τε καλὰ κέκτησαι καὶ ἀκολούθουσα παλλόν αὐτοῖς περιάγονται. (Becker, Charicles π. 21, ed. 2 = p. 362 of Eng. ed.)

περιάγεις.] Cobet, after quoting the above passage of Xenophon (to alter σκεῦος καλὰ into σκεῦος καλὰ), takes the hint suggested by the last word περιάγονται, to propose the middle for the active in the present passage. 'Reponendum est ne- cessario περιάγει. Discrimen inter περίαγω et περιάγομαι tam
ἀσέλγεις ὅστε καὶ τοὺς ἀπαντῶντας αἰσθάνεσθαι,
46 αὐτὸς δ’ ἐκεῖνοι πολλῶν ἐνδείξις ἐστιν. οὐδὲ τῶν Φορμίων’ ἐκεῖνοι οὐχ ὄρα. καίτοι εἰ κατὰ τούτ’ οἷεὶ σοι
προσήκειν τῶν τούτων, ὡτι τοῦ πατρὸς ποτ’ ἐγένετο
toύ σοι, ἐκείνω προσήκει μᾶλλον ἡ σοι. ὦ γὰρ αὖ σὺς
πατήρ ἐκεῖνον ἐγένετο, ὅστε καὶ σὺ καὶ οὗτος ἐκεῖνον
γνώσθηκε ἐκ τούτων τοῦ λόγου. σὺ δ’ εἰς τούθ’ ἤκεις
ἀγνωμοσύνης ὅσθ’ ἀ προσήκει σοι τοὺς λέγοντας
ἐξεχρούσ νομίζειν, ταῦτ’ αὐτὸς ποιεῖς ἀνάγκην εἶναι
47 λέγειν, καὶ ὑβρίζεις μὲν σαυτὸν καὶ τοὺς γονέας τεθ-
νευόντας, προσπλακίζεις δὲ τὴν πόλιν, καὶ ἂ διὰ ἡ τῆς
toύτων φιλανθρωπίας ἀπολαύσας εὑρετο ὁ σὸς πατήρ
καὶ μετὰ ταῦτα Φορμίων οὔτοι, ταῦτα ἀντί τοῦ κο-
σμεῖν καὶ περιστέλλειν, ἕνα καὶ τοὺς δοῦσιν ὡς εὐσκη-
959 μονέστατα ἐφαίνετο καὶ τοὺς λαβοῦσιν ὑμῖν, ἀγεῖς εἰς
μέσον, δεικνύεις, ἐλέγχεις, μένον οὐκ ἐνειδίζεις οἶνον

a Σ. + αὕτως Ζ. ὅσα διὰ om. Bekk.

perspicuum est quam perpetu-
num. Si quem circumductamus
spectaturum aliquid, autominvo
si cui damus operam ut circum-
iens inspiciat aliquid aut
agat, eum περίδικες dicur;
secum quis quaqua incedit
peribat aliquid, cuius
opera officioque utatur, eum
περιδίκεσθαι dicitur, ut heros
pedissequos, aut tyrannus satel-
lites.’ (Novae lectiones, p. 652.)
46. οὐδὲ τῶν Φορμίων.[] ‘Nor is
Phormio’s position unknown
unto him.’ Kennedy. For
the double negation, see on § 22.
Though Phormio was once
the slave of one who was himself
a slave of the father of Antima-
chus, the latter, who is well
aware how Phormio has risen,
does not grudge him his suc-
cess and does not hold himself
aggrieved by him.—ἐκείνω, to

Antimachus.

ἀγνωμοσύνης.] ’Heartlessness,
‘want of proper feeling;
‘churlishness.’ [The polite
Greeks had many terms of this
kind, ἄφροκλα, εὐλόγης, ἀμβλα,
ἀναδεικ, ἀνερκαλία. P.]
47. κοσμεῖν καὶ περιστέλλειν.
‘Adorning and cherishing’ the
right of citizenship. [A meta-
phor from putting on and grace-
fully adjusting clothes. Whence
he adds εὐσκημονότατα. P.]

ὡσ—ἐφαίνετο.] Cf. ὡσ ἐλέγ-
χθη, § 20. Goodwin’s Moods
and Tenses, § 44. 8. Kühner,
§ 553. 7.

ἄγεις εἶ ομέσον κ.τ.λ.] ‘You drag
it into public view, point (the
finger of scorn) at it, criticize
it; and all but taunt Athens
with naturalizing (admitting to
the freedom of the city) such a
character as yourself.’
48 ὄντα σὲ ἐπούθσαντο Ἀθηναίοι. εἰς' εἰς τοῦθ' ἦκες μαίας (τὶ γὰρ ἄν ἄλλο τις εἴποι;) ὡστ' οὐκ αἰσθάνεις ὅτι καὶ νῦν ἰμὲς μὲν ἀξιοῦντες, ἐπειδὴ περὶ ἀπηλλάγη Φορμίων, μὴδὲν ὑπόλογον ἦναι εἰ ποτὲ τοῦ σοῦ πατρὸς ἕγενετο, ὑπὲρ σοῦ λέγομεν, σὺ δὲ μηδέποτ' εξ ἵνα σου γενέσθαι τοῦτον ἀξιῶν κατὰ σαυτοῦ λέγεις. ὁ γὰρ ἂν σὺ δίκαια σαυτῷ κατὰ τοῦτον τάξης, ταύτα' ταῦθ' ἥξει κατὰ σοῦ παρὰ τῶν τὸν σοῦ πατέρα εξ ἀρχῆς κτησάμενων. ἀλλὰ μὴν ὃτι κάκεινος ὢν τινών, εἰς' ἀπηλλάγη τὸν αὐτὸν τρόπον ὄντε σοῦ ἀφ' ὦμων, λαβέ μοι ταυταί τᾶς μαρτυρίας, ὡς ἔγενετο Πασίων Ἀρχεστράτου.

ΜΑΡΤΥΡΙΑΙ.

49 Εἶτα τὸν σώσαντα μὲν ἐξ ἀρχῆς τὰ πράγματα καὶ πολλὰ χρήσιμον αὐτὸν παρασχόντα τῷ πατρὶ τῷ τοῦ—

Σ. αἰσθάνῃ Ζ. "Σ. τὰ αὐτὰ Ζ.

§ 48. εἰς τοῦθ' ἦκες μαίας.] Cf. § 46, εἰς τοῦθ' ἦκες ἀγρομοσίῃς. Madvig Gk. Syntax, § 50 ad fin. μηδὲν ὑπόλογον ἦναι.] Lit. 'Should not be taken into account against him,' 'should not detract from his credit.' A metaphor from book-keeping, appropriate in a speech on banking-stock.

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

§§ 49—53. The defendant's management of the family property was the very saving of the business, and in this and many other respects he has been a great benefactor to the plaintiff's father and the plaintiff himself, and yet the latter is now demanding a verdict, which, if granted, will turn the defendant out of house and home, a ruined bankrupt, like those whom we remember. The plaintiff's father, esteeming the defendant more highly than his own son, wisely and prudently left him manager of his leases when he died, besides showing his esteem for him during his lifetime. And that esteem was well deserved, for while the other bankers, to whose losses allusion has just been made, did business on their own account, and therefore had to pay no rent to another, and were never-
theless ruined; the defendant not
only paid a rent for the bank
but kept up the business for the
family of the plaintiff, who, so
far from being grateful, takes
no account of all this, but even
persecutes and calumniates him.
Our friend, if for a moment we
may call him so, little thinks
that honesty is the best policy
(as is proved by the defendant’s
prosperity). The plaintiff at
any rate is a case in point; he
has (if we are to believe him)
lost all his money; had he been
a man of sound sense he would
not have thrown it away.

49. ἐκβαλεῖν.] In Or. 48 καὶ Ἡσεφδὼν Α § 70, Apollodorus
taunts Stephanus (one of Phormio’s witnesses in the present
trial) with turning his own uncle
out of his patrimony, for arrears
of debt: τοιχίων...ἐξεβάλεις ἐκ
τῆς παραφάς οὐδας.

οὐ γὰρ ἄλλο γ’.] i.e. If heavy
damages are granted the plain-
tiff, the penalty will prove none
other than (will not fall short
of) turning the defendant out
of house and home. ‘Examine
the nature of his property closely
and you will soon see whose
it really is (cf. Teles quoted
in § 11 n.) and into whose
hands it will fall, if (which
heaven forbid) the court is
mised into condemning him.’
The property consists largely of
deposits at the bank, invested
in different speculations, and
incapable of being realised at a
moment’s notice. If Phormio
has to pay damages, there will
at once be a run upon his bank;
his customers, to secure their
property before it is paid away
in damages, will claim their de-
posits, and Phormio, like others
before him, will be bankrupt.

ἐχων οὖν ἄρα.] Notice the
strong affinity or attraction that
ἄρα has to the negative; which is
the reason of the common hy-
perthesis ὡς δὲ οὖν αὐτὸν σὺ τοιχίων,
&c. Goodwin’s Moods and
Tenses, § 42, 3, n., and Short’s
Order of Words in Attic Greek
Prose, p. xciv. (3) (b).

50. Ἀριστοτέλος.] In 48 § 64
Stephanus is described as cring-
ing to Aristocles “the banker
in his prosperity, and deserting
his son when in great distress
after Aristocles was ruined
and had lost all his property.

ποτὲ ἔχειν ἄγραν κ.τ.λ.] ‘He
had a farm once,’—‘he owned
some land in his day; that
land has passed to many owners
now.’ ποτὲ (oǐm) is seldom
found in so emphatic a position.

—πολλοὶ (sc. ἔχουσι τὸν ἄγραν).
ΤΠΕΡ ΦΟΡΜΙΩΝΟΣ.

39

ἐκεῖνος ὁφείλων αὐτὸν ἐκτήσατο. καὶ τὸν Σωσίωνον καὶ τὸν Τιμόδημον καὶ τοὺς ἄλλους τραπεζίτας, οὗ, ἐπεὶ διαλίευν ἑδέσειν οἷς ὁφείλων, ἑξέστησαν ἀπάντητων τῶν ὄντων. σὺ δ'o ὀνδὲν ὁλεῖ δεῖν ἀκοπεῖν οὐδ' ἐχεῖν δὲν ὁ πατήρ σου πολλοὶ βελτίων ὣν καὶ ἁμείνων σου. 51 φρονών πρὸς ἀπαντῆσαι ὑπακούειν, ὅσ, ὅ Ζεὺς καὶ θεοὶ, τοσοῦτο ποτόν ἦγετο σου πληθών ἄξιον εἶναι καὶ σοι καὶ ἑαυτῷ καὶ τοῖς ὑμετέροις πράγμασιν, ὡστε ἀνδρὸς ὄντος σου ποτόν, σύ σὲ τῶν μισθώσεων κατέλυσεν ἐπίτροπον καὶ τὴν γυναῖκα ἔδωκε καὶ ζών αὐτὸν ἐτύμα, δικαίως, ὅ ἁμωρεῖς Ἀδηναῖοι: οἱ μὲν γὰρ ἄλλοι τραπεζίται μίσθωσιν οὐ δέχοντες, ἄλλ' αὐτοὶ ἑαυτοῖς ἐργαζόμενοι πάντες ἀπώλωνται, οὕτως δὲ μίσθωσιν ϕερόν δύο τάλαντα καὶ τεταράκοντα μνᾶς ὑμῖν ἐδοκεῖ 52 τὴν τράπεζαν. ὅν ἐκεῖνος μὲν χάριν εἶχε, σὺ δ'o οὐδένα ποιεῖ λόγον, ἄλλ' ἐναντία τῇ διαθήκῃ καὶ ταῖς ὑπ' ἐκείνης ἀραίσι γραφείσαις ὑπὸ τοῦ σου πατρὸς ἡλίκεις.

add. Σαί, om. Ζ.  b Σ. αὐτῷ Ζ.  c ἔτυμα. Ζ.  ̂ d Σ. αὐτοῦς Ζ.

διαλίεων.] so. (ταύτων) os ὁφείλειν 'to settle with, to satisfy, their creditors.' Cf. Or. 37 § 12 n. ἐξέσπασεν. 'Had to give up,' 'were ousted from.' 45 § 64 ἀπέλευ αὐτῶν ὑπὸ τῶν ὄντων ἐξέσχημεν. Apatur. § 25, Pantaen. 87 § 49, Ar. Acharn. 615 (K. F. Hermann Privatatt. § 71, 8). ἐκστήθη (like ἐκκείθη) would answer as a passive to ἐκσταλέω. The regular word for becoming bankrupt is ἐνασκεύασθαι (contrasted with κατασκεύασθαι to establish a bank); Dem. Apatur. 83 § 9 τῆς τραπεζῆς ἐνασκεύασθείσης. Or. 49 § 65 τῶν ἀνεσκεμμένων τῶν τραπεζίτων. Cf. infra § 57, ἀναπεπήρα, n. 51. ἄντων ἐργ. τῶν ἀνα·

This frequent failure of bankers on their own account, if truly stated, seems remarkable. διὸ τὰλ. κ.τ.λ.] Cf. Or. 37. 52. ταῖς ἀραίσις.] Solemn imprecautions on those who violated the conditions of the will. ἡλίκεις, ἐνασκεύαστες, δικέις.] ‘Harass, calumniate, prosecute.’ δικές comes rather feebly after the stronger word ἐνασκεύαστες, and in spite of the authority of the Paris MS. there is much to be said for the old order retained by Bekker: ἡλίκεις, δικέις, ἐνασκεύαστες. The latter is to some extent confirmed by the Rhetorician Tiberius (Πέλατσιο, c. 31), who refers to this passage as an instance of a figure of speech described by
Συνομοφαντεῖς, διώκεις
c. ω βέλτιστε, εἰ οἶνον τε σὲ τούν
eπίεις, οὐ παύσεις, καὶ γνώσεις toúb', ὅτι πολλάν χρη-
mατῶν τὸ χρηστόν εἶναι λυσιτελέστερόν ἐστι· σοὶ
γοῦν, εἰπέρ ἀληθῆ λέγεις, χρήματα μὲν τοσαῦτε εἰλη-
φότε πάντε ἀπώλει, ὡς φήσι· εἰ δὲ ἦσθα ἐπιεικῆς, οὐκ
αὖ ποτε αὐτὰ ἀνήλωσας.

53 'Ἀλλ' ἔγωγε μὰ τὸν Δία καὶ θεοῦς πανταχὺ σκο-
tῶν οὐδὲν ὄρο, διότι ἀν σοὶ πεισθέντες τοῦτο κατα-
ψήφισαντο. τί γάρ; ὅτι πλησίον ὄντων τῶν ἀδικημά-
tων ἐγκαλεῖς; ἀλλ' ἔτει καὶ χρόνοις ὑστεροῦν αὐτίκα:

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another Rhetorician (Alexander, περὶ σχημάτων, c. 10) as ἔτι πλείων ὑπὸ τοῦ αὐτοῦ ρώματος ἐπιμονὴ μετά αὐξήσεως. His
words are: ἐπιμονὴ δὲ ἕστι διὰ των τις πλείω ῥώματος ὑπέλαθη, ὡς ἐν τῷ ὑπὲρ Φορμίω-
νος πρὸς τὸν Ἀπολλόδωρον, ἄγεις (sic), ἐλαύνεις, διώκεις, συνο-
μοφαντεῖς. δεῦτοι τὸ σχῆμα ἐχοῦν.

οὐ παύσῃ κ.τ.λ.] 'Do stop, and
make up your mind to this
truth, that being honourable
pays a man better than being
very wealthy.'

tολλάν χρημάτων τὸ χρηστόν
λιτ.] Honesty is the best policy.
The collocation of the cognate
words χρημάτα and χρηστός may
be only accidental.

σοι γοῦν.] In your case, at
any rate; γοῦν is exempli gratia,
in illustration of a general
maxim.

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

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

53. ἔτει καὶ χρόνοις ὑστε-
ροῖν] i. e. 'years and ages later,'
'ever so many years after,'
'years and years later.' The
phrase is curious and is perhaps
rightly suspected by Seager, who
suggests the emendation ἔτει
cαὶ χρῶνοις τοσοῦτοις ὑστεροῖν
(Classical Journal 1899, Vol. 30,
No. 59, p. 109). It is defended by
G. H. Schaefer who refers to
Pausanias x. 17. 3, ἔτει δὲ
ὑστεροῖν μετὰ τοὺς Δίμιους ἀφίκασθαι.
We may compare Lysias 3 § 39
οἱ μὲν δὲ λαχ.ἀπράγματον παραχώμα τιμωρεῖται ἡθοῦντο, οὕτως δὲ χρόνοις ὑστεροῖ. But the two phrases ἔτεσιν ὑστεροῖ and χρόνοις ὑστεροῖ, however defensible in themselves separately, do not apparently occur in combination elsewhere; and it may therefore be worth while to suggest either ἀλλὰ τοσοῦτοι χρόνοις ὑστεροῖ, or simply ἀλλὰ χρόνοις ὑστεροῖ just as in the passage of Lysias above quoted. In the latter case ἔτεσι καὶ may be a corruption of a marginal gloss ἔτεσι κ.ι.ε.‘twenty years,’ a transcriber’s note explaining χρόνοι by referring to § 26 παρεφλικροτόν ἑτῶν ἡλικία ἐκεῖνη, and § 38 ἑτῶν τῶν ἐκείνων. (Mr Shilleto suggests as a parallel to ἔτεσι καὶ χρόνοις, Cic. Verr. p. 3. 21 totannis atque aede saculis tuis.)

ἀπράγματον.] Often used of quiet and easy-going people who shrink from litigation. Or. 40 § 32 ἀπράγματον καὶ ὁ φίλικος. Cf. ἀπραγμοσύνη and its opposites, πολυπράγματος, — πραγματικός, — πραγματικοσύνη. So also, in the next line, πράγματα πράττον, as is clear from the rest of the sentence, refers to the plaintiff’s incessant litigation. Or. 27 § 1 οὔτεν ἐν ήθει δικῶν οὔτε πραγμάτων.

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

κρίνων τινὸς.] The force of the sentence is much improved by Dobree’s almost certain emendation κρίνων τινὸς ὑστεροῖ; oǖχι Τιμομάχου κατηγόρεις; κ.τ.λ., where the loss of ὑστεροῖ would be accounted for by oǖχι following immediately after. Or. 37 § 14 πολλά δηθέντο καὶ τί οὐ ποτήρσατο; 47 § 48 διομένων ἀπάντων καὶ λευκοῦτων καὶ τίνα οὐ προσπεμπότων;

Τιμομάχου κ.τ.λ.] All these prosecutions are almost certainly connected with the naval operations extending over the plaintiff’s protracted trierarchy of seventeen months in the Thracian Waters (in n.c. 362—861). In his speech against Polycles (Or. 50) Autocles, Meno, and Timomachus are mentioned as successive commanders of the fleet (§§ 12—14 and Or. 23 § 104—5); and while he there speaks in general terms of the maladministration of all the commanders (§ 15 ταῖς στρατηγίᾳ δίπτερα), he uses the strongest language against Timomachus, mainly for his treasonable collusion with an exiled relative, Callistratus. (See next note.) Timomachus was condemned, and put to death (Schol. on Aeschin. 1 § 56).

Καλλιπποῦ τοῦ νῦν...ἐν Ξυκέλμω.] The context shows that this Callippus (who must not be confounded with the plaintiff in the speech of Apollodorus πρὸς Καλλιπποῦ Or. 62) can be
none other than 'the son of Philon, of the deme Aexone,' who, at the request of Timomachus, conveyed Callistratus on board an Athenian trireme to Thasos from his place of exile in Macedonia, after Apollodorus had stoutly refused to allow his own vessel to be used for so unlawful a purpose (Or. 50 § 46—52). He may, with great probability, be identified with Plato’s pupil of that name, with whom another of Plato’s disciples, the well-known Dion of Syracuse, lived on friendly terms at Athens on his banishment from Sicily in n.c. 366. In August 357, Dion, with a small force, started from the island of Zacynthus, and during the absence of Dionysius the younger, made a fleet entry into Syracuse, attended by his friend Callippus who was one of his captains, and is described by Plutarch as λαμπρός ἐν τοῖς ἀγώνι καὶ διδάσκαλος. Ultimately, in the spring or summer of 363, Dion was assassinated by Callippus, who after usurping the government for thirteen months, was defeated in battle by a brother of the younger Dionysius, and after wandering about in Sicily and establishing himself in Southern Italy, at Rhegium, was shortly after (probably in n.c. 350) himself killed by his friends, with the very sword (as the story runs) with which he murdered Dion. (Plutarch, Dion, 17, 28—58; Plato Ep. vii.; Diodorus xvi. passim.)

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

If the present speech is as late as 350 n.c., Callippus was still alive; at any rate, the news of his death cannot have reached Athens.

οὐ Τιμόθεου;) The charge against Timotheus, the celebrated Athenian general, may have been connected with his defeat at Amphipolis n.c. 360. At first sight the allusion might be explained of the plaintiff’s private suit (Or. 49) against the general for sums borrowed from Pasion (cf. above § 86 n.); but the context appears to point expressly to public indictments (ἐπίκομη in the previous sentence and τῶν κοινῶν in the next); though this reason is not conclusive, as the first part of the previous sentence refers to δικαία δικαία.

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

μέρος.] 'In part alone,' as only one aggrieved person, out of many. So τὸ μέρος in Herod. i. 130, ii. 178, and μέρος τι in Thuc. iv. 30.

τὰ πολλὰ τὸ πρᾶγμα.] 'Very much to the purpose,'

'anything but irrelevant.' The depositions about to be produced on the general character of plaintiff and defendant, are liable to objection on the ground of their being beside the question. The speaker here meets that objection beforehand.

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

1. General evidence of Phormio's good character.
2. On his opponent's bad character.
3. On Phormio's generosity...
XXXVI. ΠΑΡΑΓΡΑΦΗ [§§ 56—58.

ΜΑΡΤΤΡΙΑΙ.

'Αρ' οὖν ὦμοιος οὕτως, σκοπεῖτε. λέγε.

ΜΑΡΤΤΡΙΑΙ.

'Ανάγγελθι δὴ καὶ ήσα δημοσίᾳ χρήσιμος τῇ πόλει γέγονεν οὕτως.

ΜΑΡΤΤΡΙΑΙ.

57 Τοσαυτά τούνων, ὁ ἄνδρες Ἀθηναῖοι, Φορμίων χρήσιμος γεγονός καὶ τῇ πόλει καὶ πολλοῖς ὦμοι, καὶ οὐδένα ὦτ' ἰδίᾳ οὕτε δημοσίᾳ κακῶν οὐδὲν εἰργασμένος, οὐδ' ἄδικως Ἀπολλόδωρον τουτοῦ, δεῖται καὶ ἱκετεύει καὶ ἄξιοι σωθήσαι, καὶ ἡμεῖς συνδεόμεθα οἱ ὑπὸ ἐπιτιθέον ταῦθ' ὦμοιν. ἔκεινο δ' ὦμας ἄκοισαι δει. τοσαυτὰ γὰρ, ὁ ἄνδρες Ἀθηναῖοι, χρήματι ὦμυν ἀνε-

to those in need (§ 58, δὲν εἰ τῇς τῶν δενθεοί παρέχει).

(4) On Phormio's public benefactions (§§ 56, 57, χρήσιμος τῇ πόλει, and § 58 ad fin.).

ἀρ' οὖν διοίος οὕτως, σκοπεῖτε.] Look on this picture and on that.

§ 57 to end. The defendant not only implores your protection, but claims it as his right. Generous in his benefactions and apart from his actual resources enjoying credit for at least as much besides, he is enabled by means of that good credit to be of advantage, not to himself alone, but to yourselves as well. Do not suffer so worthy, so energetic, so generous a man of business to be ruined by this abominable blackguard. Most of the plaintiff's statements you will simply disregard as baseless calumny, but you must order him to prove either that there was no will (cf. § 83), or that there is some other lease besides that produced on our side (cf. § 9), or that he did not give the defendant a release from all claims (§§ 15, 16), or that the laws allow a claim to be set up when once such a release has been given (§§ 23—5). Challenge him to prove any one of these points, or anything like them. If, for want of such proof, he resorts to ribaldry, don't attend to him, don't allow his loud and shameless assertions to mislead you; but carefully remember what you have heard on our side. If so, you will give a verdict which will be true to your consciences, true to the cause of justice. (The clerk shall read you the law and the remaining depositions.)

That is our case, gentlemen: I need not detain you any longer.

57. δεῖται καὶ ἱκετεύει καὶ ἄξιοι σωθήσαι.] Requests, implores and claims your protection. Or. 27 § 68, and 57 § 1, ἐδομαὶ καὶ ἱκετέω καὶ ἄντιβολο.

ταῦθ'] Perhaps we should read ταῦθ'.

χρήματι ὦμυν ἀνεγράφη προς-πηγορηκότι.] C. R. Kennedy
translates: ‘It has been read out to you, that he has acquired such a heap of money as neither he nor any one else possesses.’ This can hardly be right, particularly as such a blunt assertion of Phormio’s affluence would be a very invidious statement for his friends to make, and would not ingratiate him in the eyes of the court. εὐτρεπῶν χρήματα (or χρημάτων) has two senses, (1) ‘to be well off;’ (2) ‘to supply money;’ ‘εὐτρεπῶν,’ says Loeb (Parerga p. 595), ‘non solum significat abunde habere...sed etiam suppediarte: ἐπικουρίαν ταύτας ἐξευτρεπῶν Plato Legg. xi. 153; χρήματ' ἀλλὰ προ- εὐτρεποῦσ. Dem. Phorm. 962. Cf. Apest. 894. 14.’ (Or. 33 § 7 εὐτρεπῶς αὐτῷ δέκα μνᾶς; ‘de reb. Chars. p. 94 (συνευτρεπούσας ἑκάστῳ χρημάτων); Boeot. p. 1019 (Or. 40 § 36 χρημάτα εὐτρе- ρέας); Neoer. 1669. 10; Aesch. Timarch. p. 121; Lycurg. Leocr. p. 233; quibus inter se collatii intelligitur, quanta sit utriusque notionis contagia, a Romanis quoque unius verbi suppeditandi angustiis conclusa.’ (See note on Or. 40 § 36, and cf. 33 § 6 τρίκαλως μὲν συνευτρε- ρόησαι.)

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

58. καὶ ἐπηρέασεν. ‘Do not throw this away,’ i.e. ‘do not sacrifice these advantages to the interests of the plaintiff.’

καὶ ἐπηρέασεν ἀνατρέψαι. ‘Possibly an unintentional collocation of two compounds of τρέψεως. One word, however, might suggest the other, ‘Do not suffer this wretch to overturn it,’ i.e. overthrow the defendant from his high position and good credit.

[The metaphor is perhaps from overturning a fabric of wealth, as in Aesch. Pers. 165, μὴ μέγας πλούτος κρύπταν οὐδάμας αὐτρέψῃ τοῦ δλαν δὲ Δαρείων ἰδέν τότε oὐκ ἀνενθεοὺς τυποῖς, i.e. ‘injurioso pede prorueris.’ P.]

In Liddell and Scott the
τούτῳ Ἀνθρώπῳ, μηδὲ ποιήσητε αἰσχρῶν παράδειγμα, ὡς τὰ τῶν ἐργαζομένων καὶ μετριῶς ἐθελόντων ζῆν τοὺς βδελυγόν τοὺς καὶ συνοφάντας ὑπάρχει παρ’ ὑμῶν λαβεῖν· πολὺ γὰρ χρησιμότερα ὑμῖν παρὰ τὸν δυτικὸ ὑπάρχει. ὁρᾶτε γὰρ αὕτω καὶ ἀκούστε τῶν μαρτύρων, ὅποιοι ἔναν τοῖς δεδειχθέν παρέχει, καὶ τούτων οὐδὲν ἄνεκα τοῦ λυσιτελοῦντος εἰς χρήματα πεποίηκεν, ἀλλὰ φιλανθρωπία καὶ τρόπον ἑπιεικεία. οὐκοιν ἔξον, τὸ ἀνδρέας Ἀθηναίων, τὸν τοιούτων ἄνδρα προεσθία τοίχω, οὐδὲ τηρικαίτα ἔλεειν ὅτι οὐδὲν ἔσται τούτῳ πλέον, ἀλλὰ νῦν ὅτε κύριοι καθέστατε σῶσαί· οὐ γὰρ ἐγὼν ὁ ἁρμόν ἦν τίνι ἄν μᾶλλον βοηθήσεις τις αὐτῷ.

phrase ἀνατρέπων τράπεζαν is explained 'to upset a banker's table, i.e. to make him bankrupt.' The only passage quoted is Dem. 408. 7, where however there is no reference whatever to a bankruptcy, but only to the overturning of a table towards the close of a disorderly banquet.

In Andocides de Mysteriis, § 130, we have a curious passage stating that in Athens there was a story current among the old wives and the little children, that the house of Hipponicous was haunted by an unquiet spirit that overturned his table (Ἰππόνιος ἐν τῇ οἰκίᾳ αὐτοῦ τράπεζαν ἀνατρέπει, διὰ αὐτοῦ τὴν τράπεζαν ἀνατρέπει). ὡς οὖν (the orator continues) ἡ φήμη ἢ τότε ὡς δοκεῖ ὑμῖν ἀποβήναι; οἷον μὲν γὰρ Ἰππόνιος ὑμῖν τράπεζαν ἀνατρέψει, ἀληθῶς αὐτῷ ἔτρεφεν, διὰ ἀνατρέψειν ἐκεῖνον τὸν πλούσιον, τὴν συφορούσαν, τὸν ἄλλον βιώσαντα. But the only place, so far as I can find, in which the phrase has a distinct reference to bankruptcy is the Scholion on Dem. Timoer, § 136, where διακείσαι τοῦ τραπεζαίον is followed by ἐν τῷ ἐντερον ἀνατράπαι τὰ τράπεζας (Balter and Sauppe, Orat. Att. p. 119. 6. 35). See § 50 ἐξεστηκαί, n.

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

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

60 τὰ μὲν οὖν πολλὰ ὧν Ἀπολλόδωρος ἔρει, νομίζετ' εἶναι λόγον καὶ συκοφαντίας, κελεύετε δ' αὐτῶν ὑμῖν ἐπιδείξαι ἢ ὡς οὐ διέθετο ταῦτ' ὁ πατήρ, ἢ ὡς ἔστι τις ἀλή μιάθωσις πλὴν ἢ, ἢ μὲν ἔκκυψε, ἢ ὡς οὐκ ἂφηκεν αὐτῶν διαλογισμάτων τῶν ἐγκλημάτων ἀπάνταν ἢ ἔγνω ὁ κρίστης ὁ τούτων καὶ οὗτος αὐτῶς συνεχώρησεν, ἢ ὡς διδάσκων οἱ νόμοι δικάζεσθαι τῶν οὗτων 61 πραξάντων, ἢ τῶν τοιούτων τι δεικνύναι. εἰ δ' ἀπορῶν αἰτίας καὶ βλασφημίας λέγῃ καὶ κακολογή, μὴ προσέγετε τὸν νοῦν, μηδ' ὑμᾶς ἢ τούτων κραυγῆς 963 καὶ ἀναίδεια ἐξαπατήσῃ, ἀλλὰ φυλάσσετε καὶ μέμνησθε ὅτι ἡμῶν ἁκρότατε. κἂν ταύτα ποιήτε, αὐτοῖς τ' εὐρηκήσετε καὶ τούτων δικαίως σώσετε, ἄξιον δὲντα νῦ τῶν Δια καὶ θεοὺς ἀπαντάς.

62 'Ανάγμωθι λαβῶν αὐτοῖς τῶν νόμων καὶ τὰς μαρτυρίας ταῦτ'ι.

**NOMOS. ΜΑΡΤΥΡΙΑΙ.**

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60. λόγον καὶ συκοφ.] i.e. empty talk, and baseless misrepresentation. For λόγος, 'mere talk,' cf. Or. 20, Lept. § 101, ei δὲ ταύτα λόγους καὶ φλαρας εἶναι φθασεις, ἥκειν γ' οὐ λόγος.

ἐπιδείξαι.] Plaintiff is challenged 'to demonstrate,' not to rest content with vague calumny, but to proceed to prove, &c.

διαλογισμασίων.] See § 28.

ἐγκλημάτων καὶ ἔγνω.] Claims which were the subject of the award (γνώσις) of Deinias, ἢ ἔγνω, quae discipavit.' G. H. Schaefer. Cf. § 17 init.

δεικνύναι.] So. κελεύε, 'tell him to try if he can show,' &c.

To be distinguished from ἐπιδείξαι just above.

61. λέγῃ.] 'Go on talking,' &c.

[φυλάσσει] may mean 'retain in your mind,' though the middle is more usual. So Aesch. Suppl. 179, ἀλων φυλάξει τάμ' ἢ πε τελειωμένα. But we may also render it 'keep a guard over him,' though not, of course, 'beware of him,' which would be φυλάττεσθε. P.]

62. τῶν νόμων καὶ τὰς μαρτυρίας.] The context does not show what law or what depositions are referred to: possibly another νόμος of the same general purport as that recited before,
XXXVI. ΤΠΕΡ ΦΟΡΜΙΩΝΟΣ.

Οὐκ οἶδ’ ὅ τι δεῖ πλεῖον λέγειν οἴμαι γὰρ ὑμᾶς οὐδὲν ἄργονειν τῶν εἰρημένων. ἔξερα τὸ ὑδρω.

α οἴμαι Z (cf. § 18).

§ 25 (ὅτι μὴ εἶναι δίκαι), and further evidence to facts or to the defendant’s character (ἐξὶν ἄντα, § 61).

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

ἔξερα τὸ ὑδρω.] ‘Pour out the water.’ See Mēdias, § 129. (Cf. ἔξεραν τοὺς λίθους in Ar. Ach. 341, and ὡς ψήφους in Vesp. 993.) The only other passage where the phrase is found is at the end of Or. 38, where the whole of this short epilogue recurs.

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

The result of Phormio’s plea is thus stated by Apollodorus (Or. 45) κατὰ Στεφάνου Α, § 6, ὁτι διέθηκε τοῦ δικαιαταὶ ὡστε φωνῆν μη ἄριστων ἔθελεν ἀκούσαι ἡμῶν προσοφλων δὲ τὴν ἐκφθανάν καὶ οὐδὲ λόγον τυχεῖν ἐξωθεῖς, ὥς οὐκ οἶδ’ εἰ τις ποὺ ποτὲ ἄλλοι ἀνθρώπων, ἀτῆνας βαρέως, ὥς ἄνδρες Ἀθηραῖοι, καὶ ναοὺς φέρων.
XLV.

ΚΑΤΑ ΣΤΕΦΑΝΟΥ
ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ Α.

ΤΠΟΘΕΣΕΙΣ.

"Οτε Ἀπολλόδωρος ἐκρίνε Φορμίωνα τῆς τραπέζης ἀφορμὴν ἐγκαλῶν, ὁ δὲ τὴν δίκην παρεγράψατο, ὁ Στέφανος μετ' ἄλλων τινῶν ἐμαρτύρησε Φορμίωνι, ὡς ἀρα ὁ μὲν Φορμίων προϋκαλεῖτο Ἀπολλόδωρον, εἰ 5 μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν τοῦ πατρὸς Πασίωνος, Φορμίωνυ παρασχεῖν ἀνοίξαι τὰς διαθήκας αὐτὰς, ὡς ἔχει καὶ παρέχεται Ἀμφιάς, Ἀπολλόδωρος δὲ ἀνοίγειν οὐκ ἥθελησεν, ἐστὶ δὲ ἀντίγραφα τάδε τῶν διαθηκῶν τῶν Πασίωνος. ταύτην ἐμαρτύρησαν τὴν μαρτυρίαν οἱ περὶ Στέφανον, τοῦ Ἀπολλόδωρον λέγοντος κατὰ τοῦ Φορμίωνος ὡς ἀρα τὰς διαθήκας τέπλακε καὶ τὸ ὅλον πράγμα σκευό-

[Δημοσθένους] κατὰ Στεφάνου ψευδομαρτυρίων α. 'hanc orationem nobis nonvideri Demosthenis esse significavimus' Ζ.

a om. Ζ. addidit Dind. ex Σ. [om. Kerrich ms.]

b om. Ζ. πατρὸς Φορμίωνος παρασχεῖν libri. corriget Dind. ex

Σ in quo sciptum πατρὸς φορμίων πασίωνος, παρασχεῖν. [τῶν δικῶν τῶν τοῦ πατρὸς φορμίωνος, πασίωνος παρασχεῖν, et infra l. 11 μορφῶνος, l. 12 τέπλακε. Kerrich ms.]

Argument. τραπέζης ἀφορμὴν ἐγκαλῶν.] See Argument to Or. 36, l. 23 n. Οἱ παρεγράφατο see id. l. 23 n.

3. Στέφανος ἐμαρτύρησε κ.τ.λ.] See infra § 8. The ἄλλοι τινὲς are called Ἐμίδος and Σκόβης in the document there quoted.

4. el μὴ φησιν.] 'P. made A. a proposal, that if A. denies that the copies put in are copies of the will of his father Pasion, he shall let Phormio open the will itself which is in the custody of, and is produced by Amphias.'

8. ἢτι δὲ ἀντίγραφα κ.τ.λ.] The clause is continued from οὐ, 'that the document produced is a copy of Pasion's will.'

12. τέπλακε...σκευόρημα.] Or. 36 § 33, πλάσμα καὶ σκευόρημα ἀλω, and infra § 42.

P. S. D. Π. 4
XLV. KATA STEFANOT [ARGUMENT.

ρημά ἐστίν. ἠττηθεὶς τοῖνυν τὴν δίκην Ἀπολλόδωρος ὑπὲρ τῆς μαρτυρίας ὡς ψευδώς οὐσθή τῷ Στεφάνῳ δικάζεται.

Argumentum habet Σ̄ sed manu recentiore.

1. Kataφευδομαρτυρηθεὶς, ὁ ἄνδρες Ἀθηναῖοι, καὶ παθῶν ὑπὸ Φορμίωνος υβριστικὰ καὶ δεινὰ δίκην παρὰ τῶν αἰτῶν ἥκοι ληψόμενος παρ' ὑμῖν. δέομαι δὲ πάντων ὑμῶν καὶ ἰκετεὺς καὶ ἀντιβολῶ πρῶτον

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

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

The Exordium is not unlike that of Or. 54, κατὰ Κόνωνος, where, as here, the προοίμων (Ar. Rhet. ii. 14) or, as we should say, the key-note of the whole speech is struck in the opening words: υβρισθεῖς ὁ ἄνδρας δικασταὶ καὶ παθῶν ὑπὸ Κόνωνος κ.τ.λ.—The appeal ad captandum benevolentiam, πρῶτον μὲν εὐφρενῶς ἅκουσαι μου, also occurs in Or. 54 § 2, and similarly the formula εἰρ' ἔλα (ὑδίκοροι καὶ παρακεκομμένοι) δοκό, βοθύθαι μοι τὰ δίκαια, and lastly the promise of brevity, ὡς ἂν ὅλω τε ὁ διὰ βραχυτάτων.

καταφευδομαρτυρηθεὶς] 'Crushed by' (or 'having been the victim of') false testimony,' Cf. Or. 38 § 37, and Plat. Gorg. 472 b. Ἡρακλ. καταφευδομαρτυρηθείματος ἀντὶ τῶν παρασχὼν τὰ ψεύθη (ἀν ψεύθη;) μαρτυρήσωντας. Δημοσθένης ἐν τῷ κατὰ Στεφάνου. The lexicographer intended doubtless to refer to Or. 29 § 6, where the middle participle explained by him is to be found.

δεομαι ... ἰκετεύω ... ἀντιβολῶ.] Cf. infra § 85, Or. 27 (Aphobus Α) § 68, and 57 (Euurb.) § 1. Such combinations of two or three nearly synonymous verbs are very common in the undisputed speeches of Demosthenes (e.g. Or. 38 § 47, άγεις εἰς μέσον, δικαίως, ἔγχεις; τδ. 52, παίεις, συκοφαντεῖς, διάκεις; τδ. 57, δέοιται καὶ ἰκετεύεις καὶ ἄξιοί; Or. 54 § 53, δικάζομαι καὶ μασώ καὶ ἐπεξερχομαι). The speech νῦν Φορμίωνος alone contains nearly forty such passages; of the speeches delivered by Appolodorus, the first oration against Stephanus has more than 30, while in the rest there is hardly anything of the kind, though in the second speech against Ste-phanus, § 28, we have δεομαι
§§ 1, 2. p. 1102. ΨΕΤΔΟΜΑΡΤΤΡΙΩΝ Α. 51

μὲν εὐνοῖκος ἀκούσαι μου' μέγα γὰρ τοῖς ἱτυχήκοσιν, ὥσπερ ἔγγο, δυνηθήσαι περὶ ὧν πεπονθάσαι εἰπεῖν καὶ εἰμενὸς ἔχοντας ὑμῶν ἀκροατῶν τυχεῖν· εἰ τ' ἐὰν ἂν ἄδικως ἱκύσαι δοκῶ, βοηθήσαι μοι τὰ δίκαια. ἐπιδείξω δ' ὑμῖν τούτου Στέφανου καὶ μεμαρτυρήκοτα τὰ τ' ἁγιὰ, καὶ δ' αἰσχροκερδεῖαν τοῦτο πεποιηκότα, καὶ κατηγόρω 1102 τὸν αὐτὸν αὐτοῦ γεγομένου τοσαύτη περιφάνεια τοῦ πράγματος ἐστιν. εἷς ἀρχηγὸς δ' ὁς ἄν οἶκος τε ὃ διὰ βραχυτάτων εἰπεῖν περιόσομαι τὰ πεπραγμένα μοι πρὸς Φομίνων, εἷς ὑμῖν ἀκούσαντες τὴν τ' ἐκείνου ποιήσαντα καὶ τούτους, ὅτι τὰ ἁγιὰ μεμαρτυρήκασθε, γνώσεσθε.

e om. Z cum libris. addidit Reiskeus.
Σ, qui sic ubique. Bekk. αἰσχροκερδεῖαν Z. τὴν τ' ἐκείνου Z cum libris. τὴν τ' ἐκείνου Bekker cum gr. ΦΒΒ.

καὶ λεγεῖσθα. (J. Sigg in Jahrb. fr. Class. Philol. Suppl. vi. p. 419.) εὐμενὸς.] Almost equivalent to εὐνοίκος in the last sentence; εὐμενῆς, however, is not so trivial a word as εὖνος. The former is frequent in Attic verse, the latter is generally found in prose; the former is most often used of the gracious condescension of a deity; the latter of the kindly feelings of ordinary human beings. Or. 4 § 45, τῷ τοῦ δευτέρου εὐμενῆς, illustrates the rule, while the exception in the present passage may be paralleled from Herod. vi 297, διὸν δὲ ἐξείρησα εὐμενέστατον πάστων. [Add Eur. Alc. 319, οὐδὲν μητρὸς εὐμενέστερον, El. 601, διὸ τι μοι κατ' Ἀργος εὐμενέστερον; Λαέσ. Suppl. 488 and 518 Dind. P.]

2. τὰ ἁγιὰ. 'Additum articulatum hoc vel illud testimonium peculiariter indicat, contra martrum ἁγιὰ (cf. § 41) vel ἁγιὰ (§ 52) tantummodo significat.

martrum ἁγιὰ vel ἅληθῆ (Beels, Diatribe, p. 79). [inf. § 5, τὰ ἁγιὰ μου κατεμαρτύρησαν, 'gave this false evidence against me.' Thus often in the Tragedians τὰ δόνα, where some special atrocity is described. But here we may render, 'has given evidence which was false.' P.]

tοσοτώπη τερπυφάνεια κ.τ.λ.] 'So transparent is the case.' 'So plain and clear from every point of view.' Or. 29 § 1 (also of false witness), ἐμφανῶς ἐξελέγχας δία τὴν περιφάνειαν τῶν πραγμάτων. Isaeus, Or. 7 § 28, τοσοτώπη περιφάνεια τῆς ἐμῆς ποιήσεως ἐγένετο παρ' αὐτῶι...ἐπὶ τοσοῦτοι μαρτύρως γέγονεν ἡ ποιήσεως. Cf. Hom. Od. 1. 426, περισκέπτων ἑν χρῆσθαι, and ὧ. ν. 476, ἐν περιφανομένῃ.

εἷς ὁ...γνώσεσθε.] This being the syntax, δοκοῦσας must be taken by itself, 'when you have heard it.' ἐκείνω.] So. Φορμίων.
3 Εγώ γὰρ, ὁ ἄρδες δικασταὶ, πολλῶν χρημάτων ὑπὸ τοῦ πατρὸς καταλειφθέντων μου, καὶ ταύτα Φορμίωνος ἔχοντος, καὶ ἔτι πρὸς τούτους τὴν μητέρα γῆ-μαντος τὴν ἐμὴν ἀποδημοῦντος ἐμοῦ δήμων τριηρο-

§§ 3-8. Narrative (διῆγησις). My father Pasion left behind him at his death a large property which got into the hands of Phormio, who also married Pasion's widow, my mother Archippe, during my absence from Athens on public service. On my return, I threatened Phormio with legal proceedings in consequence of this marriage, but my case did not come on; and afterwards a reconciliation was brought about. Subsequent-
ly, however, on Phormio's refusing to fulfil his engagements and attempting to rob me of the banking-stock leased him by my father, I was compelled to prosecute him at the earliest oppor-

Phormio thereupon put in a special plea in bar of action, and brought forward false witness to show that I gave him a discharge from all further claims, and to attest to a lease which in fact was a fabrication and to a will that never existed.

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

§ 3-8. Narrative (διῆγησις). My father Pasion left behind him at his death a large property which got into the hands of Phormio, who also married Pasion's widow, my mother Archippe, during my absence from Athens on public service. On my return, I threatened Phormio with legal proceedings in consequence of this marriage, but my case did not come on; and afterwards a reconciliation was brought about. Subsequent-
ly, however, on Phormio's refusing to fulfil his engagements and attempting to rob me of the banking-stock leased him by my father, I was compelled to prosecute him at the earliest oppor-

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dence is read.)
αρχούντος ύμων (ἐν τῷ τρόπῳ δὲ, οὐκ ἴσως καλῶν νιῄς περὶ μητρὸς ἄκριβως εἰπεῖν), ἐπειδὴ καταπλεύσας ἐσθόμεναι καὶ τὰ πεπραγμένα εἴδων, πολλὰ ἄγανακτισάς καὶ χαλεπῶς ἐνεγκώς δίκην μὲν οὐχ οἷος τὰ ἴδιαν 4 λαχεῖν (οὗ γὰρ ἦσαν ἐν τῷ τότε καίρῳ δίκαι, ἀλλ' ἀνεβάλλεσθε υμεῖς διὰ τῶν πόλεμοι), γράφθην δὲ ὑβρεως γράφομαι πρὸς τοὺς θεσμοθέτας αὐτῶν. χρόνον δὲ γνυμοῦν, καὶ τῆς μὲν γραφῆς ἐκκρομομένης, δικών δὲ οὐκ οὕσων, γίγνονται παϊδεῖς ἐκ τούτου τῷ μητρί, καὶ μετὰ ταῦτα (εἰρήσεται γὰρ ἀπασα πρὸς ύμᾶς η ἀληθεία, ὃ ἀνδρὸς δικασταῖ) πολλοὶ μὲν καὶ φιλάνθρωποι λόγοι παρὰ τῆς μητρὸς ἐγγύγνυτο καὶ δεξιεωσ.

ὅτι τρόπων δὲ (sc. ἐγγύς)—ἀκριβῶς εἰπεῖν. Cf. § 27, διεφθάρει ἵνα ἐμὸν μὲν οὐ καλῶν λέγων. This affectation of dutiful delicacy of feeling towards his mother in the early portions of the speech is rather inconsistent with the apparently gratuitous insinuation towards its close, where he broaches the suspicion that his own brother Passicles (who was eight years old at his father Pasion's death) was really her son by Phormio (§ 94).

ἄραν ἴσων (γραφῆς ὑβρεως.) Cf. Or. 54 § 1, ἀδ δέ τῷ πόλεμῳ. This suspension of lawsuits, which the plaintiff found in force on returning from his triarchy in B.C. 368, was due to the hostilities between Athens and Thebes in the period between the battle of Leuctra in B.C. 371, and the death of Epaminondas at the battle of Mantinea in B.C. 362. The courts were not sitting for ordinary business, perhaps because there was no pay for the dicas (cf. Or. 39 § 17); and the only process that was available under the circumstances was a public action. So just below δικῶν οὐκ οὕσων means, as the courts continued closed for private suits, υμεῖς refers to the citizens generally, who are said, in the medial sense, 'to have had the sessions (τὰς δίκας) postponed.'

4. γράφθην ὑβρεως πρὸς τοὺς θεσμοθέτας.] Isocr. Or. 20, κατὰ Λοσίτου § 2, περὶ τῆς ὑβρεως... ἐξετά τῷ βουλημένοι τῶν πολιτῶν γραφμένη πρὸς τοὺς θεσμοθέτας εἰς ἐπέλεγον εἰς ὑμᾶς. (Hermann, Privatalt. § 61, 19.)

χρόνον γιγνυμένου—γραφῆς ἐκκρομομένης.] See note on Or. 36§2, ὑπὲρ ἐκκρομουστες χρόνους ἐμποίουμεν. For χρόνου δὲ γιγνυμένου, Reiske ingeniously, but perhaps unnecessarily, proposes χρόνον δὲ γιγνυμένου, which at any rate modifies the slight inelegance of the triple repetition γιγνυμένοι...γιγνανθα...ἐγγυντο. Cf. Or. 47 § 63, χρόνον ἐγγυνέσθαι.

φιλάνθρωποι λόγοι.] 'Kindly overtures.' (Blanditiae. G. H. Schaefer.) De Corona, § 298, οὗτε φιλάνθρωπα λόγων ὀτρ' ἐπταγμένων μέγεθος. Midias, § 75, οὗτε κλάσατο οὗτε δεπήντα...
υπέρ Φορμίωνος τουτού, πολλοὶ δὲ καὶ μέτριοι καὶ
5 ταπεινοὶ παρ' αὐτοῦ τοῦτο. Ἡ νὰ δὲ, ὁ ἀνδρὲς Ἀθη-
ναῖος, συντέμω ταύτα, ἐπειδὴ ποιεῖν τε οὐδὲν ἔτεκ
δεῖν ὑπὸ τὸν ἐμολογῆσαι, καὶ τὰ χρήματα ἀποστερεῖν
ἐνεχεῖρισεν ἀ publié εἰχεν ἀφορμήν, δίκην ἡμα-
κάσθην αὐτῷ λαχεῖν, ἐπειδὴ τάχιστα ἐξουσία ἐγένετο. ΙΙΟΙ
γνοὺς δ' ὦ τοὺς ὃ πάντα ἐξελεγχθήσεται καὶ κάκιστος
ἀνθρώπων περὶ ἡμῶς γεγονός ἐπιδειχθῆσαι, μηχα-
νάται καὶ κατασκευάζει ταύτα, ἐφ' ὦς Στέφανος οὖ-
τοι τὰ ψευδή μου κατεμαρτύρησεν. καὶ πρώτον μὲν
παρεγράψατο τὴν δίκην, ἡν ἐφευγε Φορμίων, μὴ εἰσ-
αγωγόμυν εἶναι ἐπειτα μάρτυρας, ὡς ἄφικα αὐτὸν
τῶν ἐγκλημάτων, παρέσχετο ψευδεῖς, καὶ μισθωσώς
τινος ἐσκευασμένης καὶ διαθήκης οὐδεπώποτε γενο-
6 μένης. προλαβῶν δὲ μου ὡστε πρότερον λέγειν διὰ τὸ

οὕτω φιλόσθροκον ... οὐδ' ὑποθων
πρὸς τοὺς δικαστὰς ποίησαντα, where perhaps bribery is tacitly
meant. (Cf. Shilleto on Fals. leg. § 117.)

μέτριοι ... ταπεινοι.] i.e. 'both
moderate and reasonable in
their terms.' Fals. leg. § 15,
μετρήουσα λόγους, where Shilleto
quotes Ulpian: ἡγούμεν ἐπικεῖται,
φιλόσθροκοι.

5. Ἡ νὰ ... συντέμω.] The reason for
the speaker's haurrying over this
part of his statement is partly
because the overtures of recon-
ciliation on Phormio's side,
which he takes credit to him-
self for candidly admitting, are
really more to Phormio's credit
than to his own.

δίκην] i.e. the suit κατὰ Φορ-
μίωνος, to meet which a special
plea is put in on Phormio's
behalf in Or. 86. The words
ἐνεχεῖρισε τάχιστα ἐξουσία ἐγένετο
are possibly meant as a partial
reply (they are at any rate the
only reply given in this speech)
to that portion of Phormio's
plea which traversed his oppo-
nent's suit on the ground that
it infringed the 'statute of limi-
tations' (Or. 36 § 26). But it
may be noticed on Phormio's
side that at least 18 years had
elapsed since the death of Apollodorus' father, and eight
since that of his mother, before
the suit was instituted; and
during the interval the plaintiff
found time for ever so many
lawsuits in cases where his
private interests were but par-
tially concerned (Or. 86 § 55).

παρεγράψατο κ.π.λ.] See notes
on p. 2. For μάρτυρας ὡς ἄφικα,
see Or. 86 §§ 24, 25; and for the
depositions on the 'lease,' ib.
§ 4, and on the 'will,' ib. § 7.

6. πρότερον λέγειν.] ' Μαλιτ
πρότερος,' Dobree. Cf. Isocr.
παραγραφή πρὸς Καλλίμαχον.
paragrapheiv einai kal μη ευθυδικια εισιτεναι, kal taiv 
anagynous kai talla, ois avto tov symferoi hegeito, 
phusamenos, oivn diethike tois dikastás, oeste phonin 
mh thn yntinovn etheloi akounen himen prosoflov 
de thn etotheiai kai osthde logon tukheiv axiotheil, ois 
oi oidi eis tis toposed allas anthropwv, anpein bair 
reios, de andreis 'Athenaioi, kai kaluptois fereon. 
logon d' emantp didous euvnikos tois dikasias meun tote pol 
lhoun sughnomhnu ouxan (egw hyar avtois ouk an oidi d 
ti allo eixon phsiasethai, ton pexraimeno men mh 
den eidois, da de marthuromeno akoun). toutous de 
axion ointas orpnes, ou tis tukhe phsida marthurein axion 
touton genontos. peripl men de twn allon twn memar 
tureiakwn, othan pro ekinein eisio, tote erow peri 

§ 1, fuvgwn thn dikh prosferos 
leqo tov diwkontos. see on or. 
84 § 4, catuygoriav tov diwkontos, 
and idid. § 1, ev tiv mei le 
ynontos. — prolabwv = fbadas, 
having got the advantage of 
me.'

ευθύδια εισείναι.] We might 
extpect the acc. as in Or. 84 § 4, 
euvthikian eisidhav, ou catuygoriav 
tov diwkontos (cf. Or. 36 Arg. 
l. 25 anpetai thn eudelai n.) but 
de dat. is found in Isaueus, Or. 
6 (Philoctem.) § 53, μη διαματ 
γα κωλέων ἄλλ' ευθυδια εισείναι, 

thn etotheiai.] The legal 
finite of one-sixth of the amount 
claimed (lit. one obol in each 
drachma, or 6 obols), inflicted 
on the plaintiff in private suits 
(see on Or. 56 § 4) if he failed 
to secure a fifth part of the 
votes. In the present case, 
Apolly, had to pay, in addition to 
casts, about £800, a sixth 
part of 20 talents. (Boeckh, 
Publ. Econ. Book III. § 10 = L. 
474, 485 of 2nd Germ. ed.)—For 
oddé logon tukheiv of. § 19, ἀπε 
kleiaivn tov logoyn-tukhein.

7. oik av oidi d ti allo eixon.] 
vv is often attracted to the 
negative and separated from its 
verb (e.g. eixon) by the interpo 
sition of oida (as here) or oímaio, 
{okω, φυμι (as elsewhere). (Cf. 
note on Or. 87 (Fant.) § 16, oūv' 
v πε το γένος φη αγιν μα 
laixeiv, also Goodwin's Moods 
and Tenses § 42, 2, and Shilleto 
on Thu. l. 76, 4.) It is quite 
unnecessary to accept the sug 
gestion of Cobet oik av oídio 
v τι (Nov. Lect. 581), or that of 
Dobree 'distingue autós oik av', 
oidi d' ti, allo eixon.

pros ekinevon elaiow] so. els 
dikasthron. 'When I proceed 
against them,' Endius and Scy 
thes, contrasted with ordro, the 
present defendant. Compare §17, 
epi touton tha, infr. § 41 dia elaiw 
pros..., and Or. 54 § 82 ad fin. 
eisieinai, or eloselain, is used of 
either litigant (e.g. in Or. 40 § 1, 
of the plaintiff; and ib. § 6 of
δὲ οὖν Στέφανος μεμαρτύρηκεν, ἥδη πειράσο-μαι διδάσκειν ὑμᾶς. λαβὲ δὲ αὐτὴν τὴν μαρτυρίαν καὶ ἀνάγνωθι μοι, ἵνα ἐξ αὐτῆς ἐπιδεικνύοι. λέγε ἐν δὲ ἐπιλαβεῖ τὸ ὑδωρ.

ΜΑΡΤΥΡΙΑ.

† [Στέφανος Μενεκλέους Ἀχαρνέως, Ἔνδιος Ἑπι-γένους Δαμπτρεὺς, Σκύθης Ἀρματέως Κυδαθηλαίου]

† testimonium omisit Ζ. uncus in hac quoque oratione additam
mentis huius generis additus Z.


the defendant); and also of the lawsuit itself in Or. 54 § 18. Cf. Or. 54 § 1, ὁδεμάν πώτερα δίκαιον πρὸς ὑμᾶς εἰσῆλθομεν, οὗτος ἐγκαλοῦσον οὐκ ἐγκαλοῦσατο οὐκ ἐγκαλοῦσατο οὐκ ἐγκαλοῖον υφ' ἐτέρων.—ἐξ αὐτῆς, ex ipse, perhaps, rather than ex ea.—On ἐπιλαβεῖ τὸ ὑδωρ cf. note on Or. 54 § 36.

Στέφανος Μενεκλέους κ.τ.λ.] Like many, if not most of the documents inserted in the speeches of the Attic Orators, this deposition may be regarded as spurious. Its purport is to be found in §§ 9—26 and in Or. 46 § 5. The names of Tisias, Cephisophon and Amphias are given in §§ 10, 17, and Or. 46 § 5. Stephanus and Tisias, as well as Pasion and Apolloecus are assigned to the deme Acharnae in the documents only (§§ 28, 46), not in the speech itself. Στέφανος Ἀχαρνεὶς appears in an inscription as trierarch in a.c. 322, but this is not likely to be the defendant in the present action, for at that date the latter, if (as is not improbable) he was about the same age as Apolloecus, would be about seventy; and we can hardly suppose that one who was so poor a patriot as not to have undertaken any public services up to the age of 45 or thereabouts (§ 66), would have embarked on a trierarchy at so advanced an age. But the name was far from uncommon, and the deme may have been assigned at random by the writer of the document.

The name Ἐνδιος Ἑπιγένους Λαμπτρεὺς is given in one MS. only (cod. Ven. Φ.). An inscription, however, of b.c. 325 gives the name Κριτόδημος Ἐνδιος Λαμπτρεὺς whose father may be the Ἐνδιος of the text, though the name is not a rare one.

Lastly, Σκύθης is naturally an uncommon name for an Athenian, though found as such in an inscription. The name of his father, Ἀρματέως, does not occur elsewhere, except in Stephanus of Byzantium, who makes it mean 'an inhabitant of Harma' which he wrongly supposes to be a deme of Attica, whereas it was really the name of a part of the ridge of Parnes. (Abridged from A. Westermann's Untersuchungen über die in die Attischen Redner eingelegten Urkunden, pp. 105—8).
μαρτυρούσι παρείναι πρὸς τῷ διαιτητῇ Τισία Ἀχαρνεῖ, ὡτε προϊκαλεῖτο Φορμίον Ἀπολλόδωρον, εἰ μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος τὸ γραμματεῖον ὁ ἐνεβάλετο Φορμίον εἰς τὸ ἔχινον, ἀνοίγειν τὰς διαθήκας τὰς Πασίωνος, ὡς παρεῖχετο πρὸς τὸν διαιτητὴν Ἀμφίας ὁ Κηφισοφῶντος κηδεστής Ἀπολλόδωρον δὲ οὐκ ἔθελεν ἀνοίγειν εἶναι δὲ τὰ ἀντίγραφα τῶν διαθηκῶν τῶν Πασίωνος.]

But, I reply, the witnesses deposed to the will as well as to the challenge, and thus the jury would hear the terms of the will publicly recited from the copy whether I opened it or not. What was I to gain by refusing? Why! even if they had given no challenge, and had made a mere assertion, and if some one had produced a document purporting to be Pasion's will, it would have been my interest to challenge them and to open the will. In this case, (1) had the contents differed from the terms of the deposition, I should have appealed to the bystanders to bear witness to the discrepancy, which would have been a strong proof that the rest of their case was got up for a purpose. (2) Had the contents agreed, I should have required the producer himself to give evidence. Had he consented, I should have had in him a responsible witness; had he declined, here again I should have had proof enough that the affair was a fabrication. On this hypothesis, I should have had to deal with one witness only, instead of with many (as my opponents have made it out); and of course I should

προϊκαλεῖτο...ἀνοίγειν.] 'Challenged him, (in the event of his denying that the document Phormio put into the box was a copy of Pasion's will,) to open the will of Pasion which &c.' On ἔχινον see note on Or. 64 § 27.

ἐῖναι τὰ ἀντίγραφα κ.τ.λ.] A loosely expressed sentence. τὰ ἀντίγραφα τῶν διαθηκῶν cannot be construed as the subject, and unless we alter τὰ into τὰς (as the Argument has it) or τὰς (as Dobree proposes) we must rather awkwardly get the predicate out of τὰ ἀντίγραφα. The speaker himself expresses the sense better in §§ 10, 23, (Westermann, u. s. p. 108).

§§ 9—14. It is deplored that Phormio challenged me to open the will, produced (it is alleged) before the arbitrator; that I refused the challenge and would not open the 'will;' that the document to which they depose is a counterpart of the original will; and then follows the copy.

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

'Oh! to prevent the jury from hearing the terms of the will.'
9 Ἡκουόσατε μὲν τῆς μαρτυρίας, ὁ ἄνδρες δικασταῖ, νομίζω δὲ ὑμᾶς, εἰ καὶ μεθὲν τῶν ἄλλων αἰσθάνεσθέ πω, τούτο γε αὐτὸ βαθμίζει, τὸ τῆς μὲν ἀρχήν τῆς μαρτυρίας εἶναι πρόκλησιν, την δὲ τελευτὴν διαθήκην. οὐ μὴν ἀλλ' ἔγωγ' ὅλμαι δεῖν, ἐπειδὰν, ὁ τῶν με- μαρτυρημένων ὀστερὲ περι κεφάλαιον ἐστιν, ἐπιδείξῃ φεύ- δος ὑπ', την καθ' ἥδη καὶ περὶ τῶν τοιούτων ποιεῖσθαι τοῦτος λόγος. ἔστι δὴ μεμαρτυρημένον αὐτοῖς προκα- λεῖσθαι Φορμίωνα ἁνοίγεν ταῖς διαθήκαις, ὡς παρέχειν πρὸς τὸν διαιτητήν Τισιλάν Ἀμφίαν τὸν Κηφισοφῶν- τος κηδεστὴν' ἐμὲ δ' οὐκ ἔθελεν ἁνοίγεν; εἶναι δὲ δ' αὐτοῖς μεμαρτυρήσας διαθήκαις, ἀντιγράφους ἐκεί- 

11 νων. εἰδ' ἡ διαθήκη γέγραπται. ἦγω τούτων περὶ μὲν τοῦ προκαλεῖσθαι με ἢ μὴ ταῦτα Φορμίωνα οὔδεν των

have preferred the former, and so would every one else; for where (as here) there is room for cool calculation, no one would be so foolish as to abandon his own interests and do what would damage his case; and yet, by deposing that I refused to open the 'will,' these witnesses represented me as doing what is improbable, unreasonable, and contrary to all experience.

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

(A. Schaefer, Dem. III. 2. p. 171). So far, the case clearly tends against Apollodorus.

9. οὐ μὴν ἀλλ...] 'Nevertheless, 'however,' '+not but that.' The ellipse which this combination of particles always involves may be here supplied by some such words as οὐ μὴν (ὑμᾶς τούτο χρῆ βαθμίζει) οὐ (παρα- λεῖπεν τούτο χρῆ) ἀλλ' ἐγὼν κ.τ.λ. Kühner's O.Gr. § 538, 7. τῶν μεμαρτ...κεφάλ.] so. ήμεν οὐκ ἔθελεν ἁνόγεν.—προκάλαν so. in §§ 15—28.

10. ὡς παρέχειν.] so. μαρτυ- ροῦσα. For the infinitive in the relative clause influenced by the principal verb, cf. Or. 36 § 25.

εἰδ' ἡ διαθήκη γέγραπται.] 'Then follows a copy of the will,' or (with Kennedy) 'and then the will is set out.' 'Deinde sequitur (in testimonio eorum) testamentum exscriptum, sequitur exemplum testamenti.' Sea- ger, Classical Journ. ix. p. 267.

11. περὶ...ὑπὲρ.] These propo- sitions are here, as often, prae-
λέγω, οὐδὲ ὑπὲρ τοῦ τὰς διαθήκας ἀληθείς ἢ ψευδείς εἶναι, ἀλλ' αὐτίκ' ὑμᾶς περὶ τούτων διδάξω· ἀλλ' ἐμεμαρτυρήσασι, μὴ μ' ἐθέλειν τὸ γραμματεῖον ἀνοίγειν. ὁδὲ δὴ σκοπεῖτε. τοῦ τις ἄν ἔνεκα ἐφευρεγι ἀνοίγειν τὸ γραμματεῖον; ἵν' ἡ διαθήκη νῦ Ἔμα μὴ φανερὰ ἱκέτευσε tοῦ τῶν δικαστῶν. εἰ μὲν τοινῦν μὴ προσεμαρτύρωσιν τῇ προκλήσει τὴν διαθήκην οὕτως, λόγου εἰχέ τιν' ἄν τὸ φεύγειν ἐμὲ ἀνοίγειν τὸ γραμματεῖον προσμαρτυροῦντων δὲ τούτων καὶ τῶν δικαστῶν ὁμοίως ἀκουσμένων, τι ἦν μοι κέρδος τὸ μὴ ἐθέλειν; οὐδὲ ἐν δῆπον. αὐτὸ γὰρ τούταντι, ὃ ἀνδρεῖς Ἀθηναῖοι, κἂν εἴ μηδὲν προσκαλοῦντο οὕτως, λόγῳ δὲ ἐχθρίζοντο 
μόνον, καὶ παρείσχυτε τις αὐτοῖς γραμματεῖον ὡς διαθήκην, ἐμὸν ἦν τὸ προκαλεῖσθαι καὶ ἀνοίγειν ταύτην, ἵν' εἴ μὲν ἄλλοι ἀπ' τῶν ὑπὸ τούτων μεμαρτυρημένων

1 εἴκεον. Σ. κελεύειν ἀνοίγειν Φ (γρ. in margine). 'recte, opinor; sim, deleam kal ante anoigein.' G. H. Schaefer.

Tically synonymous. Cf. infr. § 50, and Fals. Leg. § 94, p. 871, οὔ τερπ τοῦ τε θυσίων εἰρήνην... ἀλλ' ὑπέρ τού τολμᾶν τινά. τοῦ τις ἄν έκειν εφεύρετο Κ.Ν.]
'What reason would any one have had for declining, &c.' Malms έκειν καὶ εφεύρετο... Latine porro,' says Dobree, who would similarly read in Or. § 57, τῶν γὰρ έκειν καὶ επείθουν, 'ut in tali re utitatum est dicere.' (Cobet, Nov. Lect. 606.)


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

κἂν el.] The ἄν strictly belongs to the apodosis ἐμὸν ἦν, but is here, as often, put as early as possible. Cf. Or. § 42, οὐ...κἂν el...ἀνοίγον, καλων εἶναι. Sometimes the construction of the apodosis shows that κἂν el is regarded as much the same as κἂν el, e.g. Plato Meno 72 c, κἂν el πολλαὶ καὶ πανοσιατα εἰσαι, ἐν γάρ τι εἴδη τούτων ἀκαίρως ἄχουσι. Kühner, Gk. Gr. § 398, p. 210. Buttmann calls this "ἀν consopitum," where its force is, as it were, dormant. It is peculiar to the later or middle Attic.

§ 13. άν—ἐχρύμα. Or. § 47, άνα—ἐφαίνετο π. ἀλλ' ἄττα τῶν κ.ν.] = ἀλλ' ἄττα ἄρα, i.e. 'had the contents of the alleged will been different from the terms deposited to by these witnesses.' For this
rather uncommon use of ἄλλος with gen. (like ἄτερος, ἀλλότρος, διάφορος) cf. Xen. Mem. iv. 4. 25, νότερον τοῦ θεοῦ ἡγήτα τὰ δίκαια κομμέται ἢ ἄλλα τῶν δικαίων. This is one of the non-Demosthenic uses that strike us in this oration.—Dobree suggests ἂν ἀπετακτίας ἐπικριτῶν εἰς τὰ δίκαια κομμέται ἢ ἄλλα τῶν δικαίων. In the next clause αὐτῶν ("to give evidence himself") is contrasted with the several witnesses, cf πείρᾳ Ἱστέραν.

ἐθέλησαντος μὲν.] i.e. εἰ μὲν ἠθέλησεν contrasted with εἰ δὲ ἠθέλησε. We should naturally expect ἠθέλησαντος, as the use of gen. absolute, in reference to the same person as the acc. ὑπεύθυνον, is somewhat exceptional, the rule being that the gen. absolute is generally found only when there is no other case in the sentence to which the participle might attach itself. Cf. however, Xen. Cyr. l. 4. 2, ἐπεθυμησαντος αὐτοῦ (sc. τοῦ πάττου) οἰδήτοτε ἀπέλιπεν τὸν πάττου. (Kühner, Gk. Gr. § 494 b, Madvig, Gk. Syntax. § 181 R. 6.) ὑπεύθυνον.] Liable to a prosecution for ἱερομαρτυρία. καὶ δὴ καὶ κ.τ.λ.] Kennedy translates: "And the result was, that in that way, I had one person to deal with," doubtless intending by the categorical form of the sentence to shew that in the Greek the conditional is only implied and not directly expressed, in other words συνισταντες (like ἢσιον... ἠλάβανον... ἢπαθείνεσσ) is put without ἂν.—Mālibi καὶ δὴ κἀν συνισταντες κτ.τ.λ. ἢσιον ὑπεύθυνον, says Dobree, comparing § 33 bis, and also proposing in § 34 τὰ γὰρ ἀν ἀθροίστων. The last two emendations are accepted in Dindorf's text.

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

ἐκείνων.] 'In the former case,' lit. 'in that other way,' under the hypothesis just mentioned (as opposed to the fact ὡς αὐτοὶ μεμαρτυρήσαντες), sc. εἰ τὸν παρασκέυην ἤσιον μεμαρτύρων, including the subsequent subdivision of that supposition into the two further hypotheses, ἐθέλησαντος μὲν κ.τ.λ. and εἰ δὲ ἠθέλησε κ.τ.λ.
οὐτοί μεμαρτυρήκασιν, πρὸς πολλούς. ἔστων οὖν ὅστις
14 ἀν φύσει ταθῆ εἴλετο; ἐγὼ μὲν οὐδὲν ἥγομαι. οὐ
tοίνυν οὐδὲ κατ' ἄλλου πιστεύειν ἐστὶν δίκαιον. καὶ γὰρ,
ὁ ἀνδρεὺς Ἀθηναῖοι, ὅσοις μὲν πρὸς εὐθείαν ὑγιὴ
tῶν πραττομένων ἡ λήμμα τι κέρδους ἡ παροξυσμὸς ἡ φι-
λονεικία, ταθτὰ μὲν ἄλλος ἃν ἄλλως πράξεις πρὸς τὸν
αὐτὸν τρόπον ὅσοις δὲ τούτων μὲν μηδὲν, λογισμὸς
δὲ ἐφ' ἡσυχίας τοῦ συμφέροντος, τῖσ οὕτως ἀφρῶν
ἀστὶς ἃν τὰ συνοίσοντ' ἀφεῖς, ἐξ ὧν κἀκεῖνον ἐμελλέν
ἀγωνισθαι, ταθτὴ ἐπράξεις; ὁ γὰρ οὐτ' εἰκότα οὐτ' 1106
εὐλογά οὐτ' ἃν ἐπράξεν οὐδεὶς, ταθϑ' οὕτωι μεμαρτυ-
ρήκασιν περὶ ἡμῶν.

5 Ὡν τοίνυν μόνον ἐξ ὧν ἐμὲ μὴ ἐθέλειν τὸ γραμμα-

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

(Liddell & Scott) it is a medical term, in the sense perpetuated
in our 'paroxysm.' The verb
however is found in Dem. 57§49,
ἡ πόλις τάσα...ἀγωγεμένη παρο-
ξυντα, and ib. § 2; also the adj.
in Or. 20 (Lept.) § 105, λογι-
σιμὸς κ.τ.λ.] 'A calm cal-
culation of one's interest.' [The
phrase seems rather unusual,
like ἀφεῖς τὰ συνοίσοντα, 'giving
up what was likely to prove his
interest.' P.]

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

15. μὴ θέλων. Ἰδίως is the proper form in Attic prose, θέλω in Attic verse, but the latter is occasionally found in Dem. in such formulae as ἄν θέλεις θέλη. (See Veitch Gk. Vbs.) The Paris MS Σ has θέλω, which was adopted in Dindorf's earlier editions.

16. θεὔτας όντως ἐναντίων ἤματος. Προκλὴσεις.] Ηαρποκρ. ε. c. εἰλάθεσαν ὅτι θ' ἐπειδὴ τοῖς ἐξαιτέαν ἐπιστραταν ἢ κρατησώσαις εἰς βάσανον ἢ εἰς μαρτυρίαν τοῦ πράγματος, καὶ τούτω ἱκαλεῖτο προκλήσεως, τὸ δὲ γραμματεύον τὸ περὶ τούτου γραφόμενον ἐρωματίζετο προκλήσεις. Παρά τολοθροῦ δὴ ἵνα τί σηκιασθήσης. ἔνεσθη οὖν τῷ κατὰ Στέφανον καὶ περὶ ὧν προκλήσεις γίνεται δὴνοι.

16. θεὔτας όντως ἐναντίων ἤματος. Προκλήσεις.] In Dobree's Adversaria, we have the suggestive note 'Qu. Interrog. Qu. the fact.' As a general rule doubtless this examination of slaves took place in private, before a magistrate or arbitrator or other authorized person, in the presence of a number of bystanders either concerned as witnesses or merely present out of curiosity (Or. 47 § 12); and the text as it stands would seem to imply that administration of torture in open court was not allowed.—We find Aesches (Fals. Leg. § 126) proposing to 'question' certain slaves in public: ἀγωμέν ἐκ αὐτῶν ὑποτελεῖν ἐπ' ἐναντίων...παρέδοντι τὸν δὲ καὶ ἤθελος καὶ θεύτας ἐπαναλαμβανεῖν καὶ βέβαιας ἐπαναλαμβανεῖν υἱόν, ἐν κελεύετε...καλεῖ μοι τοὺς ὑποτελοῦσας διότι τὸ βέβαιο... At this point (it is important to notice) follows a Challenge which Demosthenes declines.
Thus we have a proposal only, and it may be concluded from ἂν κελεύῃ, that even if the Challenge had been accepted, the court would have had to give a special order for such departure from ordinary usage.

Again in Or. 47 (Dem.) κατὰ Εὐθέργου φευγομαιραμώρῳ § 16, we read: ἔδει αὐτὸν, εἰπερ ἄλλη ἢν ἄ φασιν αὐτὸν προκαλεῖσθαι, κλη- ρομένων τῶν δικαστηρίων κοιλι- σαντα τὴν ἀνθρωπίνην, λαβόντα τὸν κήρυκα, κελεύειν ἐμὲ, εἰ βουλομένη, βασανίζειν, καὶ μέρισας τὸ δι- καστῆς εἰσώρατα ποιεῖσθαι ὡς ἐτοιμός ἐστιν παραδοθεῖν. But it would be idle to suppose that this passage proves that the torture might take place in open court; all that is meant is that the defendant might have produced the girl, when the court was about to sit, challenged the plaintiff to 'question' her, and called on the jurors to bear witness that he was ready to hand her over to be tortured in the usual manner and not in public court.

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

πλεύῃ ἢ βαδίζει.] Here, as often, contrasted with one another, as the ordinary words for 'going by sea or by land,' Per. Leg. § 164. οὐτ' ἐπελεγεῖσθαι βαδίζοντος οὐδέ πλεύῃ αὐτοίς ἔπε- γει.

17. ποικίλῃ στοά.] 'The frescoed porch.' So called from its pictures, representing the legendary wars of Athens and the battle of Marathon (Aeschin. Ctesiph. § 186). As is well known, it was this portico which gave the name of Stoics to the followers of Zeno of Citium. Persius iii. 53 quaeque docet sapiens bracatis illicita Medis Porticus.

The public arbitrators had particular buildings assigned to them according to the tribe to which they belonged: thus in Or. 47 § 12 the arbitration takes place in the Heliae, οἱ γὰρ τὴν Οινείδα καὶ τὴν Ἐρεχθηδα διαι- τῶτες ἐνταύθα κάθηται.

ἔχρη.] As usual, without ἄν We might have had εἰπερ ἄλλῃ ὑπὲρ ἣν, ἐνέβαλεν ἃν τὸ γραμμα- τείον, implying ἄλλ' οὐκ ἐνέβαλεν, whereas the sentence as it stands
γραμματείων εἰς τὸν ἐξίνον ἐμβαλεῖν καὶ τὸν παρέχοντα μαρτύρειν, ἵν’ ἐκ τῆς ἀληθείας καὶ τοῦ τά σμεία ίδείν οἱ μὲν δικασταὶ τὸ πρόαμα ἔγγυωσαν, ἐγὼ δὲ, εἰ τις ἡδι-
18 κεῖ με, ἔπι τοῦτον ἤμα. νῦν δὲ εἰς μὲν οὐδές ὅλον τὸ πρόαμα ἀνεδέσατο, οὐδὲ μεμαρτύρηκεν ἀπλῶς, ὡς ἂν τις τάλθη μαρτύρησει, μέρος δὲ ἐκαστός, ὡς δὲ σο-
φός καὶ διὰ τοῦτο οὐ δόσων δίκην, ὁ μὲν γραμματείων ἔχειν ἐφ’ θ’ ἂν γεγράφθαι διαθήκη Πασίωνος, ὁ δὲ πεμ-
φθεὶς ὑπὸ τοῦτον παρέχειν τοῦτο, εἰ δ’ ἀληθεὶς ἢ ψευ-
19 δος, οὐδὲν εἰδέναι. οὐδὲ δὲ τῇ προκλήσει χρησάμενοι 110/ 
παραπετάσαμεν διαθήκας ἐμαρτύρησαν, ὡς ἂν μάλισθ' 

does not require ἢ because it implies not ἀλ’ οὐκ ἔχων, which would be absurd, but χρὴ μὲν ἐμβαλεῖν ἀλ’ οὐκ ἔνεβαλεν. So also with ὄφελων, ὑμελλον, ὅπει, προσέχειν; sed multo latius patet haec ratio...Omnino, ubicunque non potest contrarium opponi, reeet abst particula.’ Hermann de particula àn § xii. On a similar principle we have τί ἰν ἀπολύστερον above, which follows the analogy of δίκαιον ἰν, εἰκὸς ἰν, &c.

tά σμεία.) Probably the seals attached to the will (cf. Becker’s Charicles, Sc. ix. n. 14), and not those on the deposition-case or ἐξίνος (as supposed in Starke’s addenda to Hermann’s Privataltit. § 65, 9). On the ἐξίνος cf. Or. 39 § 18, σεπημασμένων τῶν ἐξίνων, and note on Or. 64 § 27. For the opening of the seals of a will, see Ar. Vesp. 584, κλάει ἡμεῖς μακρὰ τὴν κεφαλὴν εἰπόντες τῇ διαθήκῃ, καὶ τῇ κόρχῃ τῇ πάνω σεμῖοι τοῖς σμείοις ἐκούνῃ.

γαί] perhaps old Attic, Plat. Theaet. 180, Rep. 449’ Veitch Greek Verbs b. n. eµu. As first person ἵνα is rare, but προσέχειν is not. In § 6 we have had ἵνα.

18. εἰς...οὐδές.] ‘No single witness has accepted the whole responsibility,’ cf. § 38 διελθον τάδικηνα. εἰς οὐδές is a much stronger negative than οὐδές. Or. 21 (Meid.) § 12, ἐν γὰρ οὐδὲν ἐστὶν ἐφ’ ὁ...οὐ δίκαιος ὁν ἀπολύ-


ὁ μὲν...ὁ δὲ.] Cephisophon (§§ 21, 22)...Amphias (ὁ Ἐφισο-

φοτός κηκεστῆ, § 10).—The subject of ἔκαστος (ὁ μὲν...ὁ δὲ) is μεμαρτύρηκε implied by the former part of the sentence. This is all that is meant by Dobree’s punctuation:‘Distinguish ὁ δὲ, πεμφθεῖ to show that πεμφθεῖ is subordinate to παρ-

έχειν and is not to be taken with ὁ δὲ. Trans. ‘another, that he produced the will on being sent by him (Amphias).’

19. παραπετάσαμεν] sc. προφά-

σει, (Or. 46 § 9 πρόβασιν...τὴν πρό-

κλησιν), προσχάματι, as a ‘cloak,’ or ’pretext,’ lit. a ‘screen’ or ‘curtain.’ Plat. Protag. 316 ε

ταῖς τέχναις ταύταις παραπετά-

σμαίν ἔχωσιν, immediately after προσκήμα τοιοῦτοι καὶ προκαλύπτειθαι.

ὡς ἂν μάλισθ’ οἱ δικασταὶ... 

ἐπιστευοντ’... ἐγὼ δὲ ἀπεκλει-
οἱ δικασταὶ ταύτην τὴν διαθήκην ἐπίστευσαν τοῦ πατρὸς εἶναι, ἐγὼ δὲ ἀπεκλείσθην τοῦ λόγου τυχεῖν ὑπὲρ ὧν ἀδικοῦμαι, οὕτω δὲ φωφαθεῖν τὰ ψευδὰ μεμαρτυ-
σθην ... οὕτω δὲ φωφαθεῖεν ...] This sentence, as it stands in the mass, can only mean 'The present witnesses (Stephanus, &c.) used the challenge as a pretext for giving evidence of a will, in the very way in which the court would have believed that the will was my father's, and I should have been debarred from getting a hearing, and in which my opponents would now be palpably convicted of giving false evidence.' This makes nonsense, as the jury in the former trial did believe the witnesses, and Apollodorus was debarred from speaking. ἂν is quite out of place with ἐπίστευσαν and ἀπεκλείσθη, but not so with φωφαθεῖεν (which cannot here be taken as a simple optative expressing a wish). It thus appears that we should (with G. H. Schneller) remove ἂν from the aorist indicative and place it with the aor. optative, and read as follows: ὡς (ὁ δὲ οὐ) οἱ δικασταὶ ἐπίστευσαν, ἐγὼ δὲ ἀπεκλείσθην · οὕτω δὲ ἀμαλληθεὶς φωφαθεῖεν. The sense thus gained is fairly satisfactory: the witnesses combined giving evidence of a challenge with giving evidence of a will (made the former a pretext for the latter). The result was that the jury in the previous trial believed the will was really my father's and therefore decided against me without giving me a hearing on my present wrongs; with the further result that by that very means my opponents would be clearly convicted of having given false evidence; — a result quite contrary of what they anticipated.' Hermann attempts to explain the passage by the following translation:

'Illi vero, provocationis prae-textu usi, de testamento testati sunt eo modo, quo faciliime judices hoc patris testamentum esse credered, ego autem ab oranda causa mea excludi debebam[?], ip-si vero—falsa testati esse deprehenderentur; atquit contrarium sperabant. Illa enim οὕτω δὲ, (hie voce paulum subsistit ora-tor) φωφαθεῖεν τὰ ψευδ ἐμπαρ- τυχθέντες, ironice dicta esse patet' (Opuscula iv. 27 de particula ἂν i. 7).

Dobree says: 'Sensus est: ita rem administrarunt, ut tune quidem judices deciperent; postea autem hoo palam fieret, quamvis id non praeviderent.— Qu. de modorum permutatione. Similis locus F. Leg. 424. 16' τοσοῦτον ἄπεχουσι τοῦ τοιοῦτον τι ποιεῖν, ὥστε θαυμάζοντες καὶ ἐκ νοῦν καὶ βουλοῦντες ἀν αὐτὸν ἔκα- στος τοιοῦτός εἶναι.

[I suggest ὡς ἂν et μάλιστα, and perhaps οὕτω γε infra, (though οὕτω δὲ might mean 'yet these' &c.). 'They gave their evidence so, that if the dicasts were ever so much persuaded, and I was stopped from further proceedings then, yet they will be detected in having lied.' ὡς ἂν φωφαθεῖεν is a virtual synonym of ὥστε φωφαθῆναι. See Aesch. Ag. 357 (366 Dind.) and my note.

For the use of δὲ in apodosis, cf. Or. 21 (Mid.) p. 547 § 100, et δὲ
XLV. KATA ΣΤΕΦΑΝΟΤ [§§ 19—21.

ρηκέτες. καίτοι τὸ γ' ἐναντίον φύντο τοῦτον. ὡς δ' εἰδήκτε ταῦτα ὅτι ἀληθῆ λέγω, λαβὲ τὴν τοῦ Κηφίσοφωντος μαρτυρίαν.

tis πένης μηδεν ἡδικηκὼς ταῖς ἐσχάταις συμφοραίς ἀδίκων ὑπὸ τοῦτον περιπέτειως, τοῦτο δ' οὐδὲ συνοργιακάσθησαν; καὶ γι' ὃς ἐν with optative equivalent to ὅτε, see Plat. Phaedr. p. 230' b, καὶ ὡς ἀκυμφή ξης τὴν ἀλήθη, ὡς ἦν εὔωδοτον παρέχω τῶν τότων, 'see how this willow is in full blossom, so as to fill the place with fragrance!' Symp. p. 187 D, τοῖς μὲν κορμοῖς τῶν ἀνθρώπων, καὶ ὡς ἦν κορμοτερος γίγνομαι μὲν ὄντες, δει χαριζωθη. P.]

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

Marpri.] The wording of this deposition is identical with that of the speech itself (§§ 18 and 20), with the exception of the clause ὅτι τὸν ἀφάνος, (naturally suggested by καταλειφθῇς,) and the description of the witness as Κεφάλων Αφάνοις. Κεφάλων is a parallel form of Κεφαλίου and is found elsewhere (Plut. Arat. 52).

One Κηφίσοφων Αφάνος is mentioned in inscriptions as trierarch and commander of the fleet, and it has been proposed to identify him with the witness in this case, though the name of the trierarch's father is not given (Boeckh, Seewesen p. 442). The composer of the deposition may have been led to assign Cephasphon to Aphidna by a passage in Or. 59 καὶ Νεαρᾶς
ΜΑΡΤΤΡΙΑ.

μ[Κηφισοφῶν Κεφάλωνος Ἀπιδναῖος μαρτυρεὶ κα-

tαλειφθήναι αὐτῷ ὑπὸ τοῦ πατρὸς γραμματείου, ἐφ'

ὁ ἐπιγεγράφαται διαθήκη Πασίνων.]

20 Οὐκοῦν ἢν ἀπλοῦν, ὡς ἄνδρες δικασταὶ, τὸν ταῦτα

μαρτυροῦντα προσμαρτυρῆσαι "εἶναι δὲ τὸ γραμμα-

"τεῖον, ὁ αὐτὸς παρέχει, τοῦτο," καὶ τὸ γραμματεῖον

ἐμβαλεῖν. ἀλλὰ τοῦτο μὲν, οἷμαι, τὸ γενόσι ἢγείτο ὁρ-

γῆς ἄξιον, καὶ δίκην ἵνα υἱὸς παρ᾽ αὐτοῦ λαβεῖν, γραμ-

ματεῖον ἐκ αὐτοῦ καταλειφθήναι μαρτυρῆσαι φαίλουν

καὶ οὐδέν. ἔστι δὲ τοῦτο αὐτὸ τὸ δηλοῦν καὶ κατηγο-

21 ροῦν ὅτι πῶς τὸ πράγμα κατασκευάσαν. εἰ μὲν γὰρ

ἐπὶ τὴν διαθήκην "Πασίνων καὶ Φορμίωνος" ἢ

"πρὸς Φορμίωνα" ἢ τοιοῦτο τι, εἰκότως ἵνα ἄντιη-

ρεῖ τοῦτο; εἰ δὲ, ὡσπερ μεμαρτύρηκεν, ἐπὶ τὴν "διαθήκη-

"Πασίνων," πῶς ὦκ ἵνα ἀνηρήμην αὐτὴν ἐγὼ, συνε-

 testimonia om. Σ.

§§ 9—10, where a person of

that name bribes one Stephanus

of Erechtheum to charge Apollo-

dorus with causing the death of

a woman at Aphidna. (A. West-

ermann u.s. pp. 108—9, cf. § 8

supra.)

20. ἐμβαλεῖν] so, εἰς τὸν

ἐχῖνον, § 17.—ἀργυρῷ, the indignation

of the court.—ἀν λαβεῖν

depends, like the previous

clause, on ἄγεῖν.

gραμματεῖον δὲ.] 'Whereas to
give evidence of a document

having been bequeathed to him,

was a trifle of no importance.'

Kennedy.

'Πασίνων καὶ Φορμίωνος.] 'At

ineptus Pasio fuisset, si hoc

inscrispisset; de utrique enim,

et Phormione et fillis, in eo

constituerat' (Lortzing Apollo,

p.78.),—ἐτήσιοι τοῦτοι οὐκ ἔχουν.

'If the inscription had been,

"This belongs to Pasio, and to

Phormio," or "for Phormio," or

anything of that sort, he would

reasonably have kept it for him.'

πῶς οὐκ ἄν ἄνηρήμην ...] 'I

should of course have appro-

priated it.' The plaintiff actu-

ally says that if the terms of

the will were such as alleged

and if it had been really in-

scribed 'Pasion's Will' (διαθήκη

is emphatic: 'had the endorse-

ment been, not merely, 'This

is Pasion's,' but 'This is Pasion's

will,' &c.'), then he would cer-

tainly have claimed it as heir to his

father's property and, finding it
detrimental to his own inter-

ests, would have kept it close.'

The effrontery of this statement

is sufficiently startling.

As regards the phrase διαθήκην

ἀναρεῖσθαι, it may be noticed that

in Isaees Or. 6 (Philoct.) §§ 30—
δός μὲν ἐμαυτῷ μέλλοντι δικᾶσθαι, συνεδῶς δ' ὑπεναυτῖαν οὐσαν, εἰπερ ἡν τοιαύτη, τοῖς ἐμαυτῷ συμφέρουσι, κληρονόμοις δὲ ἄν καὶ ταυτῆς, εἰπερ ἡν τοῖς 22 μοι πατρὸς, καὶ τῶν ἄλλων πατρών ὁμειῶσ; οὐκοῦν τῷ παρέχεσθαι μὲν Φορμίων, γεγράφθαι δὲ Πασίωνος, εἰάσθαι δ' ύφ' ἡμῶν, ἐξελέγχεται κατεσκευασμένη 1108 μὲν ἡ διαθήκη, γενεθής δ' ἡ τοῦ Κηφισοφόντος μαρτυρία. ἀλλ' ἐδ' Κηφισοφόντας οὔτε γὰρ νῦν μοι πρὸς ἕκεινων ἑστιν οὔτ' ἐμαρτύρησαν ἕκεινοι περὶ τῶν ἐν 23 ταῖς διαθήκασιν ἐνώπιον οὐδὲν. καίτοι καὶ τοῦτο σκοπείτε, ὅσον ἐστὶ τεκμήριον, δ' ἄνδρες Ἀθηναίοι, τού τούτου τά γενεθή μεμαρτυρηκέναι. εἰ γὰρ δ' μὲν αὐτὸς ἔχειν τῷ γραμματείῳ μαρτυρών φορμίων οὐκ ἐτολμηθεὶς ἀντίγραφα εἶναι ἃ παρεῖχετο Φορμίων τῶν παρ' αὐτῷ μαρτυρῆσαι, οὕτω αὐτῷ οὔτε ἐξ ἀρχῆς ἡσυχίαν ἔχοιεν ἂν εἰτεῦ εἰτε αὐνοιχθεὶς εἴδον πρὸς τῷ διαίτητι τῷ γραμματείῳ, ἀλλὰ καὶ μεμαρτυρήκας αὐτοῖς μὴ ἐθέλειν ἐμὲ ἀνοίγειν, ταῦτα ὡς ἀντίγραφα ἑστιν ἕκεινων

33, we have πείθοντι τῷ Δικῆ- μον τὴν διαθήκην ἄνελείν ὃς ὅπρος τοῖς παιδιῖ· fol- lowed by ὁ Δικήμωνς ἔλεγεν δι' θου- βολείαν ἄνελείος τὴν διαθήκην and παγωμένοις πολλοῖς μαρτυράς ὡς οὐκέτι αὐτῷ κέντο ἡ διαθήκη, ζητείνας αἰτίων. Cf. also Isaac Or. 1 (Cleonym.). § 14, ἀθείην... ἑβουλήθη ταύτας τὰς διαθήκας ἅρμελειά, where Schömann re- marks 'ἀνωθέν est like tellere, vescindere: ἀναρίσθει autem, de contractuum, testamentorumque tabulis, proprio est repetere ab eo, apud quem depositae fuerunt, quod sit a sublato.' In these passages, however, the phrase is used of a testator re- voking his own will; here of an heir claiming his father's will, with a view to suppressing it.

Cf. note on Or. 34 § 31. 22. τῷ παρέγκεσθαι Φορμίωνος.] 'By its being produced, not by, but to Phormio.'—έδαςθα δ' ἀλλ' ἀδεικτος ἀναρίσκως οὐκ οὕτως οὕτως ἔστι τῇ διαθήκῃ. (See last note.) The pl. pass. ἐδαςθα is appar- ently never used elsewhere.

23. αὐτῶς ἔχειν.] 'That he had the document in his own keeping.'
ΜΑΡΤΤΡΙΑΙ.

[Μαρτυροῦσιν παρεῖναι πρὸς τῷ διαιτητῇ θείᾳ, ὅτε προῦκαλεῖτο Φορμίων Ἀπολλόδωρον, εἰ μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος.]

25 Ἐπιάχες, ἔνθυμεσθε ὅτι τῶν διαθηκῶν γέγραπται τῶν Πασίωνος. καίτοι χρῆ τοὺς βουλομένους τάληθι μαρτυρεῖν, εἰ τὰ μάλιστα ἐγέγραψεν ἡ πρόκλησις, δόξαι ὅν ἐγέγραψεν, ἐκείνους μαρτυρεῖν. λέγε τὴν μαρτυρίαν ἀπ' ἀρχῆς πάλιν.

ΜΑΡΤΤΡΙΑ.

Μαρτυροῦσι παρεῖναι πρὸς τῷ διαιτητῇ θείᾳ. Μαρτυροῦμεν παρῆμεν γὰρ δὴ. λέγε. ὅτε προῦκαλεῖτο Φορμίων Ἀπολλόδωρον.

§§ 24—26. Let us now examine the terms of the deposition and we shall see that its object is to make it appear by any means, fair or foul, that my father made this will. It speaks of 'the will of Pasion;' whereas it ought to have run 'the will which Phormio asserts to have been left by Pasion;' and you are aware that there is a vast difference between a thing being really true and Phormio's saying so.

24. ὡς γέγραπται κ.τ.λ.] i.e. εἰ τις ἐξετάσειν ὡς γέγραπται ἡ μαρτυρία, γραίεν κ.τ.λ. δίκαιος καὶ ἄδικος δόξαι.] 'That rightly or wrongly it may appear that my father made this will.' A singular expression, the adverbs belonging to δόξαι and not to διαιτηθεῖν.

25. εἰ τὰ μάλιστα.] 'If it were ever so true that the challenge took place, which I utterly deny.'—ἐκεῖνος, 'in a form which I am about to show,' viz. in § 26 ὁ δὲ διαιτητὴς (not τῶν Πα- σίωνος) but ὁ φησι Φορμίων Πα- σίωνα καταλείπει.
XLV. ΚΑΤΑ ΣΤΕΦΑΝΟΤ [§§ 25—23.]

Καὶ τοῦτο, εἰτερ προϊκαλεῖτο, ὅρθως ἀν ἐμαρτύροντο.
εἰ μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασιῶνος.

26 Ἔχε αὐτοῖ. οὖδ' ἀν εἰς ἔτη δὴπον τοῦτ’ ἐμαρτύ-
ρησεν, εἰ μὴ τις καὶ παρὴν διατημένῳ τῷ πατρὶ τῷ ἐμῷ ἀλλ’ εὐθὺς ἀν εἶπε “τι δ’ ἡμεῖς ἴσοιεν, εἰ τινὲς
“εἰσι διαθήκης Πασίωνος;” καὶ γράφειν ἀν αὐτὸν
ηξίωσεν, ὡσπερ ἐν αρχῇ τῆς προκλήσεως, “εἰ μὴ
“φημ’ ἐγὼ ἀντίγραφα εἶναι τῶν διαθηκῶν, δὸν φησὶ
“Φορμίαν Πασίωνα καταληπτεῖν,” οὐ “τῶν Πασιῶ-
“νος.” τοῦτο μὲν γὰρ ἦν εἰναι διαθήκας μαρτυρεῖν
ἐπερ ἦν τοῦτοι βούλημα, ἐκεῖνο δὲ φάσκειν Φορ-
μίωνας πλείστον δὲ δήπον κεχώρισται τὸ τ’ εἶναι καὶ
tὸ τοῦτον φάσκειν.

27 Ἰνα τοιῶν εἰδήτε ὑπὲρ ἡλίκων καὶ ὄσων ἦν τὸ
catakeūsma τὸ τῆς διαθήκης, μικρὰ ἀκούσατε μου.
ἡ γὰρ, ὡς ἄνδρες Ἀθηναίοι, τοῦτο πρῶτον μὲν ὑπὲρ
τοῦ μὴ δοῦναι δίκην ὁν διεφθάρκει ἦν ἐμοὶ μὲν οὐ
εἴτε εἰσιν.] ‘if there is any will of Pasion’s at all.’
ὠσπερ ἐν ἀρχῇ τῆς προ-
κλήσεως.] ὡσπερ should perhaps
φάσκειν] (so. εἶναι διαθήκας.)
Here, as often, used with the
collarative notion of saying what
is untrue. Thus both φημι and
φάσκω are used in Soph. El. 319
of promising without performing:
φησιν γε φάσκων 3’ οἱδέν ἦν λέγει τούτι. [For the whole
sentence, cf. Eur. Ale. 538 χωρὶς
tὸ τ’ εἶναι καὶ τὸ μὴ νομίζεται.]

§§ 27, 28.] An examination
of the terms of the ‘Will’ proves
that Phormio had important
motives for forging it, viz. (1)
to escape the penalty for sed-
ducing one who shall be name-
less, (2) to secure all my father’s
money that was in my mother’s
hands; and (3) to obtain con-
tral over all the rest of the
family property.

27. katakeūsma.] The ‘fa-
brciation,’ ‘forgery,’ of the will.
Cf. katakeuaz鑫in §§ 18 and 20.
δὶ διεφθάρκει ἦν...] ‘To
escape the penalty of having
corrupted her whose name I
cannot here mention with-
out impropriety, but whom
you yourselves know without
my naming her.’ (For this
delicate of allusion, cf. note
on § 2.)—ἐὴν διεφθάρκει ἦν is
equivalent to τῆς διαθήκας τῆς
γυναικῆς ἦν (or τοῦ διεφθάρκειν
tαινῆς ἦν). The substantive is
here thrown into the verb as
in Fals. Leg. § 238 p. 415 ὁ
αὐτὸς ὁς ἐτυμώθη, ‘in the very
honours you enjoyed,’ where
Shilleto quotes de corona § 312.
καὶ διόν λέγειν, ὑμεῖς φ' ἵστε, κἂν ἔγαλ μὴ λέγω, ἐπειδ' ὑπὲρ τοῦ κατασκευάν ὅσα ἦν τῇ ἡμετέρῳ πατρὶ χρήματα παρὰ τῇ μητρί, πρὸς δὲ τούτως ὑπὲρ τοῦ καὶ τῶν ἄλλων τῶν ἡμετέρων ἀπάντων κυρίῳ γενέσθαι. ὅτι δ' ὤντω ταῦτ' ἔχει, τῆς διαθήκης αὐτῆς ἀκούσαντες γνώσεσθε φαινότατα γὰρ ὁ πατρὸς ὑπὲρ<sup>*</sup> νίεόν γράφοντος ἑοικοῦν διαθήκης, ἀλλὰ δοῦλον λειμασμένον τὰ 28 τῶν δεσπότων, ὅπως μὴ δώσει δίκην σκοποῦντο. λέγει ΙΙΙΟ δ' αὐτοῖς τῇ διαθήκῃ αὐτῆ, ἦν ὄντοι μετὰ τῆς προκλήσεως μεμαρτήκασιν' ὑμεῖς φ' ἐνθυμεῖσθε δ' λέγω.

**ΔΙΑΘΗΚΗ.**

*Τάδε διέθετο Πασίων Ἀχαρνεῖς* δίδωμι τὴν ἐμαντοῦ γυναῖκα Ἀρχίππῃν Φορμίων, καὶ προίκα ἐπιδίδωμι Ἀρχίππῃ τάλαντον μὲν τὸ ἐκ Πεπαρήθου,


ἐφ' ὦς ἑλμήσσαν and a striking instance from Plato, Phaedo p. 94 c. We may add Med. § 189 p. 576 ἐφ' ὦς ἑλευθέρων ὦβασκειν and Ar. Ach. 677, ou γὰρ ἀξίων ἐκέλευν ὡς ἐκαταχθησαμεν γηροβοσκομεσθ' ὑπί συμ. Cf. Or. 55 § 32.

ὑπὲρ τοῦ κατασκευάν.] 'for the purpose of securing.' So inf. § 47 ὡς τὸν ἄφορον τὴς τραχύτητος κατάσχει.

κυρίῳ γενέσθαι.] The dative is used as though the sentence had begun with ἥ διαθήκη κατασκευάσαι Φορμίων instead of with its equivalent in sense ἦν τὸ κατασκεύασα ὑπὲρ τῆς διαθήκης.

The regular construction would of course require κύριον (proposed by Lambinus and approved by G. H. Schaefer).

λειμασμένου.] Also a deponent perfect in Or. 19 § 105 and Or. 21 § 173 (ἀλλομανται). The inf. is found as pass. in Or. 20 § 142. — The sense is:—'a slave who is thinking how to escape punishment for having wronged, dishonour'd, his master's household, damaged his master's property,' τὰ τῶν δεσπότων refers to his master's wife [but is expressed purposely in a general way. Aeschylus however uses γνωσκεῖς λυμαρτήριον in this sense, Ag. 1413 and Cho. 751. P.]

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XLV. KATA ΣΤΕΦΑΝΟΤ [§§ 28—30.

tάλαντον δὲ τὸ αὐτόθεν, συνοικίαν ἐκατὸν μνών, θεραπαίνας καὶ τὰ χρυσία καὶ τάλλα ὅσα ἐστίν αὐτῇ ἐνδον. ἀπαντά ταῦτα Ἀρχίππη δίδωμι.]

'Ἡκούσατε, ὥς ἄνδρες Ἀθηναίοι, τὸ πλῆθος τῆς προικὸς, τάλαντον ἐκ Πεπαρήθου, τάλαντον αὐτόθεν, συνοικίαν ἐκατὸν μνών, θεραπαίνας καὶ χρυσία, καὶ τάλλα, φησίν, ὅσα ἐστίν αὐτῇ, δίδωμι, τούτω τῷ γράμματι καὶ τοῦ ζητήσαι τι τῶν καταλειφθέντων ἀποκλείων ἡμᾶς.

29 Φέρε δὴ δείξω τὴν μίσθωσιν ύμῖν καθ' ἣν ἐμεμισθωτο τὴν τραπεζαν παρὰ τοῦ πατρὸς οὗτος. καὶ γὰρ ἐκ ταύτης, καίτερ ἐσκευωρμένης, ὤφεσθε ὅτι πλάσμα ὅλον ἐστὶν ἡ διαθήκη. δείξω δὲ ἣν οὕτως παρέσχετο

'Malim τῶν......τῶν,' Dobree.

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

καὶ τοῦ ζητήσαι...ἀποκλείων.] See on Or. 40 § 15 ἐὰν τι οὗτος τῶν πατρὸς ἐνιηθῶσι.

§§ 29—36. Again, the 'lease' upon which Phormio took the bank from my father, though itself a fabrication, will prove the 'Will' an utter forgery.

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

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

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

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

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

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

πλάσμα.] Cf. πέπλακε in line 10 of Argument, and Or. 36 § 33. Hesychius has πλάσμα: σχηματισμός (late Greek 'pretense'). ψευδα. ἡ κτίσμα.
μύθωσων, οὐκ ἄλλην τινὰ, ἐν ἦ προσγέγραπται ἑνδεκα τάλαντα ὅ πατὴρ ὁφείλων εἰς τὰς παρακαταθήκας ἃν οὐκ ἔχων, ταῦτα τοιαῦτα. ὅ τῶν μὲν οἶκοι χρημάτων ὡς ἔπο τῇ μητρὶ δοθέντων διὰ τῆς διαθήκης αὐτῶν ἐποίησε κύριον, ὡσπερ ἀκηκόατε ἄρτοι, τῶν δὲ ἐπὶ τῆς τραπέζης ὅπως, ὡς πάντες ἔδεσαν καὶ λαθεῖν οὐκ ἦν, διὰ τοῦ προσοφείλοντα ἀποφήναι τὸν πατέρα ἡμῶν, ἵνα, ὡς εξελέγχοντο ἔχων, κεκομίσθαι φαίνεται ὅμοιας αὐτῶν ὑπειλήφατε, ὅτι σολοκίζει τῇ φωνῇ, βάρβαρον καὶ εὐκαταφρόνητον εἶναι. ἔστι 1111

Et dux tal.] The origin of this 'debt' is carefully explained in Or. 36 §§ 4—5 (see note on prosofeile p. 6), and in the present speech, the plaintiff says nothing that materially shakes that explanation. [The construction is, ὁφείλων τούτως εἰς τὰς χρήματα. Trans. 'that whatever sums he might be proved to possess, he might pretend he had recovered in the way of debts.'

σολοκίζει τῇ φωνῇ, βάρβαρου.] (See note on Or. 36 § 1 τὴν ἀπειράν τοῦ λέγειν.) σολοκις is a word of narrower meaning than βάρβαρος and is applied mainly to faults of pronunciation or mistakes in Grammar, especially Syntax, due to foreign extraction; while βάρβαρος, though originally referring to language (as an onomatopoeic word connected with the Sanskrit varvara 'a jabberer') and at first describing the incoherent jargon, as the Greeks considered it, of all languages but their own, gradually attained a wider signification and embraced all that was non-Hellenic in the customs, the politics, the laws, and the moral and intellectual characteristics of foreign nations. (Cf. Isocr. Paneg. § 3 n.)

Hesychius (possibly with the present passage in view) has the gloss σολοκίζει βαρβαρίζει and Aristotle (περὶ σοφιστικῶν ἐλεγχῶν § 5) explains σολοκίζεσων.
dé βάρβαρος οὗτος τῷ μισεῖν οὖς αὐτῷ προσῆκε τιμᾶν τῷ δὲ κακογρήσαει καὶ διορύξει πράγματα ὁνείδενος λειτεται. λάβε ἰδὴ τὴν μίσθωσιν, καὶ λέγε, ἢν τὸν αὐτὸν τρόπον διὰ προκλήσεως ἐνεβάλοντο.

ΜΙΣΘΩΣΙΣ ΤΡΑΠΕΖΗΣ.

"Κατὰ τάδε ἐμίσθωσε Πασίων τὴν τράπεζαν Φορμίωνι· μίσθωσιν φέρειν Φορμίωνα τῆς τραπέζης τοῦ παισὶ τοῦ Πασίωνος δύο τάλαντα καὶ τεταρακοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, χωρὶς τῆς καθ’ ἡμέραν διοικήσεως· μὴ ἐξεῖναι δὲ τραπεζίτευσαι χωρὶς Φορμίωνι, ἐὰν μὴ πεῖσῃ τοὺς παίδας τοὺς Πασίωνος. ὀφείλει δὲ Πασίων ἐπὶ τὴν τράπεζαν ἐνδεκα τάλαντα εἰς τὰς παρακαταβαθήσεις." Ὁ

32 "Ας μὲν τοῖνυν παρέσχετο συνθήκας ὁς κατὰ ταῖταις μισθωσάμενος τὴν τράπεζαν, αὐτά εἰσιν, ὁ ἄνδρες δικασταῖ. ἄκουσε δ’ ἐν ταύταις ἀναγνωσκόμεναις μισθωσιν μὲν φέρειν τοῦτον, ἀνει τῆς καθ’ ἡμέραν διοικήσεως, δύο τάλαντα καὶ τεταράκοντα μνᾶς τοῦ

by τῇ λέξει βαρβάρος, and (in § 14) illustrates it by instances from the rules of gender. The distinction drawn between μισθωσάμενος and σολουκικώς by Zeno and the Stoics, and accepted by the writers on Rhetoric, is perhaps best expressed by Quintilian: 'vitium quod fit in singulis verbis, sit barbarismus ...oetera vitia omnia ex pluribus vocibus sunt, quorum est solaeccismus' (i. 5, 6 and § 14).

βαρβαρος καὶ εὐκαταφράντων.] Ar. Nubes 492 ἄμαθη...καὶ βάρβαρος.

διοικέσει πράγματα.] Lit. 'to undermine,' 'to ruin,' [here, perhaps, 'to be a rogue in business']. A metaphor from house-breaking. Or. 9 § 28 κακοσ διακειμένη καὶ διορυγμένη κατ’ τίλλες. Or. 35 (Lac.) § 9 ἡ οὖσα ἐτοιχωρήσαν οὕτω περὶ τῷ διάνειον, καὶ Philostratus 653 (quoted by Liddell & Scott) τοιχωρίσας τοὺς λόγους τῷ ἄντων.

31. διὰ προκλήσεως.] 'by means of,' i.e. 'under cover of,' —'using the Challenge as a cat's paw.' Cf. Fals. Leg. § 291, ἔκρυβε Φιλόσεικος καὶ δὴ ἐκείνου τῶν σοὶ πετραγρόμενον κατηγορεῖ, where Shilleto quotes the present passage.

32. τῇ καθ’ ἡμέραν διοικήσεως.] 'The daily expenditure' involved in managing the bank, paying under- clerks, &c.
ünstov ékástou, μη ἔξειναι δὲ τραπεζητέων αὐτῷ, 
έαν μη ἡμᾶς πείσῃ. προσγιραπταὶ δὲ τελευταίων 
"οφείλει δὲ Πασίων ἐνδέκα τάλαντα εἰς τὰς παρα-
καταθήκας." ἔστων οὖν ὅστις ἀν τοῦ ἐξόλου καὶ τοῦ 
χωρίου καὶ τῶν γραμματείων τοσαύτην ὑπέμεινε φε-
ρειν μίσθωσιν; ἔστι δ’ ὅστις ἀν, δὲ ἐν ὅφειληκε το-
σαύτα χρήματα, τράπεζα, τοῦτο τὰ λοιπὰ ἐπέτρε-
ψεν; εἰ γὰρ ἐνεδέσε ποσοῦτον χρημάτων, τούτῳ 
διοικούντος ἐνεδέσεν. ἵστε γὰρ πάντες, καὶ στ’ ἦν 
ὁ πατὴρ ἐπί τοῦ τραπεζητέων, τούτων καθήμενον καὶ 
διοικούντα ἐπὶ τῇ τράπεζῃ, ὅστε ἐν τῷ μυλωνὶ προσ-
κυλήσας Bekker (Berlin ed.) et Din. 

33. ἐξόλου...χωρίου...γραμμα-
τείων.] The bench (desk or 
counter)...the site (in the market-
place)...the banking-books (ledg-
ers, &c.).

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

εἰ γὰρ κ.τ.λ.] A sophistical 
argument to bear out the pre-
vious clause δ’ ἐν ὅφειληκε τῇ 
τράπεζῃ. It is quite true that 
τῇ τράπεζῃ ἐνδέσε χρημάτων, but 
then the 11 talents in question 
were held by Pasion on the 

security of land and were part 
of the assets of the business. —

Ἐνκαθήμενος κ.τ.λ. v. Or. 36 § 7, π. 
ἐν τῷ μυλώμα. So far from 
being made master of the rest 
of the household, Phormio 
ocught to have been punished, as 
a slave, with hard-labour at 
the mill, for bad management. For 
the mill, as a common part of 
slaves' labour, cf. the Phormio 
of Terence, ii. 1. 18 ' heres ei 
reditus, Molendum usque in 
pistrino, sapulandum, habenda 
compedes.' In Lysias Or. 1 § 18 
a master threatens his ϑράτα ται 
with the punishment μαστηγω-
θείσων εἰς μυλώμα ἐμετερέων, and 
Dinarchus, contr. Dem. § 23, 
says that Memnon the miller 
was condemned to death for 
making a freeborn boy work in 
eis μυλώμα καταβαλέω, and Pol-
lux, ἕνα κολάζεται οἱ δοῦλοι, 
μυλώμα. K. P. Hermann, 
Privatalt. § 24, 9. The parallel 
of Samson, 'eyeless in Gaza 
at the mill with slaves,' will occur 
to every reader (Judges xvi. 21, 
Milton Samson Agonistes 41, &c.). 

—μυλων, 'a false form.' Chandle-
er, Gk. Acc. § 638.
ΚΑΤΑ ΣΤΕΦΑΝΟΤ [§§ 33—36.

ήκεν αὐτὸν εἶναι μᾶλλον ὡς τῶν λοιπῶν κύριον γεν.

34 ἐσθαίο. ἀλλ’ ἐσ’ ταῦτα καὶ τάλλ’ ὅσ’ ἂν περὶ τῶν Μ [II]Σ ἔδεκα ταλάντων ἔχομι εἰπεῖν, ὡς ὠκι ὀφείλειν ὁ πα-

τήρ, ἀλλ’ οὗτος ὑφήρηται. ἀλλ’ οὗ ἀνέγραψεν ἑνεκα',

τοῦ τὴν διαθήκην ψευδή δείξαι, τοῦθ’ ὑμᾶς ἀναμνήσω.

γέγραπται γὰρ αὐτόθι, μὴ ἐξείναι δὲ τραπεζιτεῖνες

Φορμίων, ἐὰν μὴ ἡμᾶς πείσῃ. τοῦτο τοίνυν τὸ γράμμα

παντελῶς δῆλοι ψευδή τὴν διαθήκην οὖσαν. τίς γὰρ

ἀν" ἀνθρώπων, ἀ μὲν ἡμέλλει τραπεζιτεῖνος οὗτος ἐρ-

γάξεσθαι", ταῦθ’ ὅπως ἡμῖν τοὺς αὐτοῦ παισίν, ἀλλὰ

μὴ τοῦτο γενήσεται προσνόθη, καὶ διὰ τοῦτο μὴ

ἐξεῖναι τοῦτο τραπεζιτεῖνεν ἔγραψεν, ὡς μὴ ἀφι-

στηται ἀφ’ ἡμῶν' ἀ δ’ αὐτὸς εἰργασμένος οὖν κατ-

35 ἔλευσε, ταῦθ’ ὅπως οὗτος λήψεται παρακείμενον; καὶ

ἐνεκα Ζ.

*t ἡμέλλε Ζ. (See note on Isoor. Paneg. § 88.)
* Βέκκερ. om. Ζ cum Σ.

34. ἐσ’ ταῦτα κ.τ.λ.] The speaker, it will be observed, makes no attempt to meet fairly the statement made on the opposite side, accounting for the 11 talents not being actually in the bank. (Or. 36 §§ 4—6).

[ὑφήρηται. Phormio, he says, has fisted, or secretly withdrawn, eleven talents from the bank, which he now pretends Pasion and Pasion's heirs were bound to repay. P.]

μὴ τραπεζιτεῖνεν.] The object of this clause appears to have been to prevent Phormio's doing business on his own account, apart from the profits made on the bank. The plaintiff seems rather unfairly to suggest that Phormio was allowed to make no profit whatever out of the lease.

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

δῶς τος ταρακεθασεν δῶς. P.]
tēs mév ēργασίας ἐφθόνησεν, ἕς οὐδὲν αἰσχρῶν ήν
μεταδοῦναι τὴν δὲ γυναῖκα ἐδωκεν, οὐ μείζον οὐδὲν ἂν
κατέληψεν\\* οὐγεὼς; τυχὼν γε τῆς παρ’ ὕμων δωρεᾶς,
ἐίτα ὦσπερ ἄν δούλος δεσπότη δίδον, ἀλλ’ οὐ τοινα-
τίον, ἐπερ ἔδιδον, δεσπότης οἰκέτη, προστιθέσαι τροίκα
36 ὅσην οὐδεὶς τῶν ἐν τῇ πόλει φαίνεται. καίτοι τοῦτο
μὲν αὐτὸ τοῦτο ἀγαπητόν ἦν, τὸ τῆς δεσποινῆς ἀξιω-
θήναι τῷ πατρὶ δὲ οὐδὲ λαμβάνοντι τοσαῦτα χρή-
ματα, ὥσα φασὶ διδόντα οὕτω, εὐλογον ἢ πράξαι

* Bekker. κατελίπετε Σομ Σ.
* Bekker. λαμβάνοντα Σομ Σ.

35. ὥς ἣν τῷν αὐτῷ ἐν τῇ παρ’ ὕμων δω-
ρεάς.] The fact that Pasion was
made a citizen of Athens in-
creases the disgrace brought on
his family by his providing in his
alleged will that his wife should
marry Phormio.—Or. 69 § 2
ψήφισμαν τοῦ δήμου τοῦ Ἀθή-
nικῶν Ἀθηναίων εἶναι Πασίωνα καὶ
ἐκγόνου τοῦ Αἰκίου διὰ τὰς ἐνερ-
γείας τὰς εἰς τὴν τῶν ὁδόν
followed by τῇ τᾶς τῶν δήμου δωρέας. Or. 36
§ 47. [τυχὼν γε seems an ima-
ginary answer in favour of
Phormio; 'very true; but then
it was after he had received the
franchise (that he took the
wife).' 'So then' (the retort
is), 'like a slave who makes a
wife over to his master, rather
than in the converse case, Pa-
sion gave him, it seems, a mar-
riage portion larger than any
citizen ever did!' P.

ἐπερ ἄν.] sce. διδοῖς. Pasion's
gift of his wife with a large
dowry to Phormio, is the kind
of gift a slave might offer his
master in acknowledgement that
all the slave had, belonged by
right to his master, and not
such a gift as might be expected
from a superior to an inferior,
in which latter case a very slight
favour would be enough, at any
rate the inferior would be con-
tent with being allowed to have
the honour of being married to
his superior's wife, without any
dowry at all.

ἐπερ ἔδιδον] which Apoll.
does not admit.

προστιθέσαι τροίκα.] Or. 40 §
25 προσθέτας (sc. προίκα) ἐκ-
δοῦναι. Fals. Leg. § 195 προίκα
προσθέται ἐκδόσαι καὶ οὗ περι-
ήγουμαι παλαιότατα οὐδὲν ἄντι
οὐρ’ ἠμῶν οὕτω τοῦ πατρός (cf.
§ 54 infra, προίκα ἔδιδον ἐκδο-
ύναι, n.). Eur. Hippol. 628 προ-
στιθέλες ... πατήρ φερνά, ἄφθικος...
Hyperides, Lycephron col. 11. 1
16 (quoted by Shilleto), ἐδώς
ἐξεδοθέν, ταλαντον ἀργυρίου προσ-
thέτοι αὐτῇ Εὐφήμου. The com-
moner term was ἐκδιδοῖα (cf.
§§ 30, 54, &c.).

36. λαμβάνοντι χρήματα.] Not
even if he got from Phormio
(viz. as a bribe for leaving him
his wife) the same large amount
which the defendants pretend
that he gave Phormio as a
marriage portion.—φασὶ διδόντα,
supply πράξαι ταύτα.
XLV. ΚΑΤΑ ΣΤΕΦΑΝΟΤ [§§ 36—40.]

ταύτα. ἀλλ’ ὤμος ἄ τοῖς εἰκόσι, τοῖς χρόνοις, τοῖς πεπραγμένοις ἐξελέγχεται ψευδῆ, ταύτα μαρτυρεῖν οὐκ ἀκμησθήν ὑπόστα Στέφανος.

37 Ἐλευτέρως περιφέρει ός ἐμαρτύρησε μὲν Νικοκλῆς ἐπιτροπεύεσαι κατὰ τὴν διαθήκην, ἐμαρτύρησε δὲ Πα-σικῆς ἐπιτροπεύεναι κατὰ τὴν διαθήκην. ἔγω δὲ αὐτὰ ταύτ’ ὤμα τεκμήρια εἶναι τοῦ μὴ ἐκείνων τά-ληθῃ μὴτε ταύτες μεμαρτυρηκέναι. ὁ γὰρ ἐπιτροπεύ- I113 σαι κατὰ διαθήκας μαρτυρῶν δῆλον ότι καθ’ ὁποῖας ἀν εἶδειν, καὶ ὃ ἐπιτροπεύεναι κατὰ διαθήκας μαρ-38 τυρῶν δῆλον ότι καθ’ ὁποῖας ἀν εἶδειν. τί οὖν μαθῶν-τες ἐμαρτυρεῖτε ὑμεῖς ἐν προκλήσει διαθήκας, ἀλλ’ οὐκ

ταῦτα τοῖς ἐπίστολοι...[ἐξελέγχεται ψευδῆ]:] ‘That which the facts, the dates, the probabilities of the case, show to have been false, Stephanus the defendant has not scrupled to bear witness to.' K. For τοῖς εἰκόσι see esp. §§ 9—14. τοῖς χρόνοις seems inexplicable, except as a rhetorical flourish, for we have had nothing like an argument from dates; and Dobree rightly asks Quomodo ?. Even τοῖς πεπραγμένοις is barely justifiable, unless it is to be referred to §§ 13—14.

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

37. κατὰ τὴν διαθήκην.] Or. 36 § 8 Φορμίων τὴν μὲν γυναῖκα λαμβάνει κατὰ τὴν διαθήκην, τὸν δὲ παῖδα ἐπιτρόπευεν. καθ’ ὁποίας ἀν εἶδειν.] ‘would know the purport of (the terms of) such will.’ [The repetition of the clause δῆλον—evidence seems needless, and perhaps is due to a copyist. P.]

38. τι μαθῶντες.] Madvig, Gk. Synt. § 176 (b) R.; or Goodwin’s Moods and Tenses § 109 (b). [‘What then induced you to give evidence of a will in connexion with a challenge, instead of letting them prove it for you?’ P.]

ὑμεῖς.] so. or περὶ Στέφανον.—ἐκείνως Niscoles and Pasicles.
ἐκείνους εἰσῆτε; εἰ γὰρ αὐτῷ μὴ φήσονσιν εἰδέναι τὰ γεγραμμένα ἐν αὐτάις, τῶς ὑμᾶς οὖν τε εἰδέναι τοὺς μηδαμοὺς μηδαμῶς τοῦ πράγματος ἐγγὺς; τί ποτ' οὖν οἱ μὲν εἰκὼν, οἱ δὲ ταῦτα ἐμαρτύρησαν; ὅπερ εἰρήκα
39 καὶ πρῶτον, διεύλογο τάδικήματα, καὶ ἐπιτροπεύονται μὲν κατὰ διαθήκην οὐδὲν δεινὸν ἤγειτο μαρτυρεῖν ὁ μαρτυρῶν, οὐδὲ ἐπιτροπεύθηναι κατὰ διαθήκην, ἀφαιρούν ἐκάτερος τὸ μαρτυρεῖν τὰ ἐν ταῖς διαθήκαις ὑπὸ τοῦτοι γεγραμμένα, οὐδὲ καταλαμβάνει τὸν πατέρα αὐτῷ· ἐπιγεγραμμένον γραμματεῖον διαθήκην, οὐδὲ τὰ τοιαύτα διαθήκαις δὲ μαρτυρεῖν, ἐν αἷς χρημάτων τοσοῦτον κλοπῇ, γυναικῶς διαφθορά, γάμου δεσποινῆς, πράγματα αἰσχυνών καὶ ὑβριν τοσαύτην ἔχοντα, οὐδεὶς ἦθελε πλὴν οὕτω, πρόκλησιν κατασκευάσαντες, παρ' ὧν δικαιον τῆς ὅλης τέχνης καὶ κακουργίας δίκην λαβεῖν.
40 "Ἰνα τοίνυν, ὥς ἄνδρες Ἀθηναίοι, μὴ μόνον εὖ ὅνε

**ΠΛΕΤΩΜΑΡΤΡΙΩΝ Α.**

οὐ μὲν...οὐ δὲ...Νικοκλέας καὶ Πασίκλεα...οἱ πείρᾳ Στέφανον.—ἐπὶ
ρηκα καὶ πρῶτον ἀρνοῦτος ἀφαιροῦν ἐκάτερος. ἢ ὑπὸ τοῦτοι γεγραμμένα,
οὐδὲ καταλαμβάνει τὸν πατέρα αὐτῷ· ἐπιγεγραμμένον γραμματεῖον διαθήκην,
οὐδὲ τὰ τοιαύτα διαθήκαις δὲ μαρτυρεῖν, ἐν αἷς χρημάτων τοσοῦτον κλοπῇ,
γυναικῶς διαφθορὰ, γάμου δεσποινῆς, πράγματα αἰσχυνῶν καὶ ὑβριν τοσαύτην ἔχοντα,
οὐδεὶς ἦθελε πλὴν οὕτω, πρόκλησιν κατασκευάσαντες,
καὶ ὅπερ δικαίων τῆς ὅλης τέχνης καὶ κακουργίας δίκην

40 "Ἰνα τοίνυν, ὥς ἄνδρες Ἀθηναίοι, μὴ μόνον εὖ ὅνε
καὶ ἔλεγχοι δήλου ὑμῖν γένηται τὰ ψευδή μεμαρτυρηκὼς οὕτως Στέφανος, ἀλλὰ καὶ ἐξ ὧν πεποίηκεν δὲ παρασχόμενοι αὐτῶν, τὰ πεπραγμένα ἐκείνοι βούλομαι πρὸς ὑμᾶς εἰπεῖν. ὅπερ δὲ εἶπον ἀρχόμενοι τοῦ λόγου, δεῖξι κατηγόρους ἡγουμένους αὐτῶν ἐαυτῶν. τὴν γὰρ δίκην, ἐν ἡ ταύτα ἐμαρτυρήθη, παρεγράφατο Φορμίων πρὸς ἐμὲ μὴ εἰσαγόγμον εἶναι ὡς 1114.

41 αὗτος ἐμὸ τῶν ἐγκλημάτων αὐτῶν. τούτῳ τοῖνυν ἐγὼ μὲν οἶδα ψεύδος δὲν, καὶ ἔλεγξον δὲ, ὅταν εἰσίον πρὸς τοὺς ταύτα μεμαρτυρηκότας τούτως δὲ ὢν ὁ ὅν τοῦτ διεπείτω, εἰ τοῖνυν ἀλήθη πιστεύσαι εἶναι τὴν ἁφεσιν, οὕτω καὶ μᾶλλον ἐν ὧντος ψευδὴς μεμαρτυρηκὼς καὶ κατεσκευασμένης διάθηκης μᾶρτυς γεγονός. τὸ γὰρ οὕτως ἁφρών ἀλλη ἁφεσιν μὲν ἐναντίων μαρτύρων ποιήσασθαι, τοῦ βεβαιῶν αὐτῷ τὴν ἁφεσιν.
ἀπαλλαγὴν ἔνας, τὰς δὲ συνθήκας καὶ τὰς διαθήκας καὶ τὰλλα, υπὲρ δὲ ἐποιεῖτο τὴν ἄφεσιν, σεσημασμένα 42 ἐσαι καθ' αὐτὸν κείσαι; οὐκοίν ἐναντία μὲν ἢ παραγραφή πάσι τοῖς μεμαρτυρημένοις, ἐναντία δὲ, ἢν ἀνέγνων ὑμῖν ἀρτι, μίσθωσις, τῇ δὲ διαθήκῃ ὀυδέν ἔν δὲ τῶν πεπραγμένων οὐτ' εὐλόγων οὐθ' ἀπλοῦν οὐθ' ὀμολογοῦμενον αὐτὸ ἕαυτῷ φαίνεται. ἐκ δὲ τοῦ τοῦ τρόπουν πάντα πεπλασμένα καὶ κατεσκευασμένα ἐλέγχεται.

43 'Ος μὲν τῶν ἐστίν ἀληθῆ τὰ μεμαρτυρημένα, οὐτ' αὐτῶν τοῦτον οὖτ' ἄλλον υπὲρ τοῦτον δεῖξαι δυνήσεσθαι νομίζω. ἀκοῦω δ' αὐτῶν τοιούτων τι παρεσκευάσθαι λέγειν, ὡς προκλήσεως ἐστιν ὑπευθύνος, οὐχὶ μαρτυρίας, καὶ δυοῖν αὐτῷ προσήκει δοῦναι λόγον, οὐ πάντων τῶν γεγραμμένων, εἴτε προικαλεῖτο

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will, &c. (καὶ τὰλλα καὶ περὶ τῆς μισθώσεως) to remain in existence to his own detriment. No! if he had given a receipt, he would have opened and suppressed the documents. But as a fact, he had not touched them, and his restraining from suppressing them is thus inconsistent with the alleged grant of a release to Phormio. —παράδοσαν ἄφεσιν not ‘to get’ but ‘to give a release,’ = ἀφίνας, as ‘any verb in Greek may be resolved into the cognate substantive with παράδοσαν.’ Shilleto on Fals, Leg. § 103.

43. ἐναντία μισθώσεως...διαθήκην.] §§ 54—56. Stephanus will urge, that he is not responsible for a deposition but for a challenge, and for the latter on two points only, (1) the question whether Phormio made this challenge or not, and (2) whether I refused it; and that the terms of the challenge mentioned in the deposition are Phormio’s business, not his. If so, the witness ought to have had the words erased when his deposition was drawn up; it is now too late to disclaim them, and he is bound in this trial by the terms of his own plea that he ‘gave true testimony, in testifying to that which is written in the record.’

Π. Μ. §§ 48—56. Stephanus will urge, that he is not responsible for a deposition but for a challenge, and for the latter on two points only, (1) the question whether Phormio made this challenge or not, and (2) whether I refused it; and that the terms of the challenge mentioned in the deposition are Phormio’s business, not his. If so, the witness ought to have had the words erased when his deposition was drawn up; it is now too late to disclaim them, and he is bound in this trial by the terms of his own plea that he ‘gave true testimony, in testifying to that which is written in the record.’

End of page 81.

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P. S. D. Π.
με ταύτα Φορμίλων ἢ μη, καὶ εἰ μη ἐδεχόμην ἐγώ· ταύτα μὲν γὰρ ἀπλῶς αὐτός μεμαρτυρηκέναι φύσει, τὸ δ’ ἀλλὰ ἐκείνων προκαλεῖσθαι, εἰ δ’ ἐστὶν ἢ μη ταύτα, 44 οὐδὲν προσῆκεν αὐτῷ̣3 ςκοπεῖν. πρὸς δὲ τὸν λόγον τούτου καὶ τὴν ἀναίδειαν βέλτιόν ἔστι μικρὰ προειπεῖν ὑμῖ, ἵνα μὴ λάθητε ἔξαπατησθῆτες. πρῶτον μὲν, ὅταν ΙΙΙΙ5 ἐγχειρῆ λέγειν τοῦτο, ἀς ἢρα οὐ πάντων ὑπεύθυνος ἔστιν, ἐνθυμεῖσθε ὅτι διὰ ταύτα ὁ νόμος μαρτυρεῖ ἐν γραμματείᾳ κελεύει, ἵνα μητ’ ἀφελεῖς εἶξῃ μὴτε προσθέναι τοῖς γεγραμμένοις μηδεν. τὸτ’ οὐν αὐτῷ̣3 ἔσει ταύτ’ ἀπαλείφειν κελεύειν, ὃ νῦν οὐ φησι μεμαρτυρή- 45 κέναι, οὐ νῦν ἐνόταιν ἀνασχυντεῖν. ἔπειτα καὶ τὸ δέ γ. σκοπεῖται, εἰ ἔσαιτ’ ἂν ἐναντίον ὑμῶν ομηρ. προσγράψαι τὶ λαβόντα τὸ γραμματεῖον. οὐ δὴποι. οὐκὼν οὐδὲ τούτου ἀφαίρειν τῶν γεγραμμένων ἐὰν προσήκει: τὶς γὰρ ἀλώσεται εἰτε ποτὲ4 ψευδομαρτυρίων, εἰ μαρτυρήσει τὸ βουλεῖται καὶ λόγον ὁν βουλεῖται δώσει; ἀλλ’ οὐχ οὔτω ταύτα οὔθ’ ὁ νόμος διείλειν οὔθ’ ὑμῖν ἀκούειν προσήκειν: ἀλλ’ ἐκείνο ἀπλῶν καὶ δίκαιον.

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

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

45. ἀλώσεται ... ψευδομαρτυρίων.] ‘The terms being in the deposition, he ought not to have the impudence to repudiate them now.’

ei ἔσαιτ’ δὲ.] When ei stands for εἰτε or πότερον, to express an alternative of probabilities, it sometimes takes δέ, which would, in the ordinary sense of ei, be inadmissible.

46. ἀλώσεται ... ψευδομαρτυρίων.] For the gen. cf. Or. 24 § 102 ἐὰν τις ἀλης κλοπῆς καὶ μη τιμηθῇ θανάτου ..., καὶ ἐάν τις ἀλὸς τῆς κακωσεως τῶν γονέων ..., καὶ ἀστρατείας τις δικαίω. (Kühner, Gr. Gr. § 419, 2 p. 331).— ὃν βουλεῖται, supply μόνον.
τι γέγραται; τι μεμαρτύρηκας; ταύτη ὡς ἀληθῆ δείκνυε. καὶ γὰρ ἀντιγράψας ταύτα ἁληθῆ μεμαρ-“τύρηκα, μαρτυρῆς τὰ ἐν τῷ γραμματεῖῳ γεγραμμένα, οὐ τὸ καὶ τὸ τὸν ἐν τῷ γραμματεῖῳ. ὧτι δὲ οὕτω ταύτη ἐχει, λαθεῖ τὴν ἀντιγραφὴν αὐτὴν μοι. λέγε.

ΑΝΤΙΓΡΑΦΗ.

Στέφανος Μενεκλέους Ἀχαρνεὺς τάληθη ἐμαρτυρῆσαι μαρτυρῆς τὰ ἐν τῷ γραμματεῖῳ γεγραμμένα.

Ταύτα οὗτος αὐτός ἀντιγράψατο, ἡ χρή μημο-1116

ο ὁμ. Σ.

* Στέφανος Μενεκλέους Ἀχαρνεὺς cum Reischio Bekker. ὁμ. Ζ

cum libris.

* Bekker (Berlin ed.). ὁμ. Ζ et Bekker (st. Leipsig ed.) cum Σ.

ταύτα γραφαὶ. 'You have pleaded' in answer to the indictment or plain (钪χίνος); see Dict. Antig. S. v. Antigraphhe.

'The two pleadings together, the plain on the left side, the plea on the right, form (as we should say) the issue on the record. The deposition complained of was annexed.' C. R. Kennedy.—τὸ καὶ τὸ 'so and so'; 'this or that,' cf. τὸς καὶ τὸς in Or. 34 § 24.

46. ἐν ἐξάδρυ. ὁμ. 98 ἐξάδρυ ἐνεκα.—ῥηθοσθεῖν. This future is used chiefly in the participle and infinitive, while the 'third future' is probably confined to the third person singular εἰσήκασθαι. (Veitch Greek Verbs s. v. "εἰσήκασθαι.

*ἐποιεῖν. ἡ ἐπιθεσθαί however is found in Thuc. i. 78, Ar. Ethios iv. 1. 14, and Rhet. i. 12 and 13. §§ 47—50. I hear they propose to speak of my original action and to denounce it as fraudulent and vexatious. But I submit that this would be irrelevant to the present issue, and I claim that, instead of their being allowed to go into the proofs of the original claim which they debarred me from adducing, they should be compelled, in the interests of justice and for the convenience of the jury, to keep to the record, and prove that the testimony by which they deprived me of those proofs was true.

6—2


47  Πιθανόνομαι τοίνυν αὐτοὺς καὶ περὶ ὧν ἔλαχον τὴν ἐξ ἀρχῆς δίκην ἔρειν καὶ κατηγορήσειν, ὡς συνοφαντῆμα ἦν. ἔγω δ’ ὅν μὲν τρόπον ἐσκευώρησατο τὴν λίθωσιν, ὅποις τ’ ἀφορμῇ τῇς τραπέζῃς κατάσχοι, εἰπὼν καὶ διεξήλθον ὑμῖν, ὑπὲρ δὲ τῶν ἄλλων οὐκ ἂν οἶδο τ’ εἰς ἡν λέγειν ἄμα καὶ τούτως ἐλέγχειν περὶ τῆς μαρτυρίας· οὐ γὰρ ἴκανον μοι τὸ ὑπὸρ ἐστὶν. 48 ὅτι δ’ οὐδ’ ὑμεῖς ἔθελον ἄν εἰκότως ἀκούσει περὶ τούτων αὐτῶν, ἐκείθεν εἰσέσθη, ἀν λογίσθη τοὺς ὑμᾶς αὐτοὺς ὧτι οὔτε νῦν ἐστὶ χαλεπὸν περὶ ὧν μὴ κατηγορήσῃ λέγειν, οὔτε γευσίς ἀναγράφητα μαρτυρίας ἀποφέυγε. ἀλλ’ ὀυδέτερον γε δίκαιοι τούτων οὐδ’ ἂν 49 εἰς φήσεις εἰμι, ἀλλ’ ὅ ἐγὼ προκαλοῦμαι νῦν. σκοπεῖτε δὲ ἄκουσαντες. ἔγω γὰρ ἄξιόν, οὐς μὲν ἀφελοῦτο με ἐλέγχοις περὶ τῶν ἐγκλημάτων, οὐς προσήκου ἦν ὑπῆκοι, μὴ ζητεῖν αὐτοὺς νῦν, αἰς δὲ ἀφελοῦτο μαρτυρίας, οἰς εἰσὶν ἀληθεῖς, δεικνύει. εἰ δ’ ὅταν μὲν τὴν δίκην εἰσίων, τὸς μαρτυρίας με ἐλέγχειν ἀξιώσοντι, ὅταν δὲ ταῦτας ἑπεξεῖ, περὶ τῶν ἐξ ἀρχῆς ἐγκλη-
μάτων λέγειν με κελεύουσιν, οὔτε δίκαια οὔτε υμῖν 50 συμφέροντα ἐρούσιν. δικάσεων γὰρ ὁμοφάκατε ύμεῖς
οὐ περὶ δὲν ἢν ὁ φεύγων αξίοις, ἀλλ′ ὑπὲρ αὐτῶν δὲν ἢν ἡ
dιώξεις ή. ταύτην δὲ ἀνάγκη τῇ τοῦ διάκοντος λήξει
dηλούσθαι, ἣν ἐγὼ τούτῳ ψευδομαρτυριῶν εἴληχα. μὴ
dὴ τοῦτο ἀφεῖς περὶ δὲν οὐκ ἀγωνίζεσθαι λεγέντω μηδ' 1117
ύμεῖς εἶτε, ἀν μὴ ἀρα ὁδὸς ἀναισχυντῇ.

51 Οἶμαι1 τοιῶν αὐτῶν οὐδὲν οὐδαμὴ2 δικαίως ἐχοντα
λέγειν ἦξεων καὶ ἐπὶ τούτο, ὡς ἀτοποὺ ποιῶ, παρα-
γραφὴν ἔτητμένως, τους διαθήκην μαρτυρήσαντας δι-
ακών, καὶ τοὺς δικαστὰς τοὺς τότε φήσεως1 διὰ τοὺς
ἀφείαι μεμαρτυρηκότας ἀποψηφίσασθαι μᾶλλον ἢ
dιὰ τοὺς διαθήκην μαρτυρήσαντας. ἐγὼ δ', ὡς ἀνδρεὶς
Ἀθηναίοι, νομίζω πάντας υμᾶς εἰδέναι ὅτι οὐκ ἦτον
tὰ πεπραγμένα εἰσδηματε σκοπεῖς ἢ τὰς ὑπὲρ τούτων
παραγράφας. περὶ δὴ τῶν πραγμάτων αὐτῶν τὰ ψευ-
δή καταμαρτυρήσαντες οὕτωι μοι ἀσθενεῖς τοὺς περὶ

1 οἶμαι Z. 2 οὐδαμὴ Z. 1 cum Reiske Bekker. φήσει Z cum libris.

50. τελ[...ὑπὲρ.] 81 μ. —
51. δικαίως. (Dem.) Or. 47 § 70. οὐ
dὲν νόμου τοῦτον κελεύουσι τὴν
dιώξεις εἶναι. The word is also
found in Antiphon Or. 6 § 7
τὴν διώξεις εὐθέλας ἐνεκα κοινο-
θεαι.— On λήξει...εἴληχα cf. Or. 36
§ 50 λήξεων.

§§ 51—52. The defendant will
urge that the jury in the former
trial were led to dismiss my suit
by reason of the witnesses in sup-
port of the discharge on which
Phormio's special plea was based;
and not by reason of those who
(like himself) gave evidence to the
will, as part of the main issue.
But I reply that every one knows
that juries look to the main issue
as well as to the special plea,
and I contend that witnesses to the
main issue (like the defendant)
crippled my case on the special
plea. Where all gave false evi-
dence, it is not enough for any
individual defendant to point
out that some other witness
damaged my case more than he
did, but to prove that his own
evidence is true.

51. ἀφείαι] ὧν ἐγκλη-
mατῶν Ἀθηναίων. Or. 36 §§ 23
—25.

τὰ πεπραγμένα.] The facts of
the case on its merits, as op-
posed to the special plea. See
note on Or. 36 Argument I, 25
ἀπερι τῆς εὐθέλας κ.τ.λ.

ἀσθενεὶς ἐποίησαν κ.τ.λ.]
‘Weakened my arguments on
the special plea.’ This need
not imply that he actually
§52 τῆς παραγράφης ἐποίησαν λόγους. χωρὶς δὲ τούτων ἀτόπων, πάντων τὰ γευθή μαρτυρισάντων, τίς μᾶλλον ἔβλαψεν ἀποφαίνειν, ἀλλ' οὐχ ὃς αὐτὸς ἐκαστὸς ἀληθῆ μεμαρτύρηκε δεικνύων. οὐ γὰρ, ἄν ἔτερου δείξῃ δεινότερα εἰργασμένου, ἀποφεύγειν αὐτῷ προσήκει, ἀλλ' ἄν αὐτὸς ὡς ἀληθῆ μεμαρτύρηκεν ἀποφήγη.

§53 Ἐφ' ὁ τοινυν, ὃ ἀνδρεῖς 'Ἄθηναιοι, μάλιστ' ἀπολωλέναι δικαῖος ἐστιν ὀντοσε Στέφανος, τοῦτ' ἀκούσατε μου. δεινον μὲν γὰρ ἐστιν εἰ καὶ καθ' έτου τις οὖν τὰ γευθή μαρτυρεῖν, πολλά δὲ δεινότερον καὶ πλείονος ὀργῆς ἄξιον, εἰ κατὰ τῶν συγγενῶν οὐ γὰρ τοῦτος γεγραμμένος νόμος ὁ τοιοῦτος ἀνθρωπὸς μόνον, spoke; as a matter of fact, we find the court would not listen to him (§ 6).

§§ 55—56. By giving false evidence against me, the defendant has done wrong to the unwritten laws of natural affection, for my wife is his first cousin. Very different has been the conduct of my wife's father, Deinias, who holds himself debared by the claims of kinship from giving even true evidence on my behalf against my opponent Stephanus, who is his sister's son.

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

καθ' ὅτου τις οὖν] = καθ' ἄνωτον δαστισοῦν; like ὅπωτοι ὄιοι καὶ ὅπωτοι.

τοῦς γεγραμμένους νόμους...τὰ τῆς φύσεως οικεῖα.] Soph. Antig. 454 οὐ γὰρ σθένεω τοσοῦτον φέμης τὰ σα κηρύγμαθ' ἄν' ἀγραπτα κάσαλθα θείων νόμων δύνασθαί θυσίων δεδομένων ὑπερδραμείν, where, as here, the unwritten law of natural affection is contrasted with human ordinances.

'Intelligisse (asks Cobet) quae sint tā tēs φύσεως οικεῖa opposita tōs νόμων tōs γεγραμμένων? Non opinor. Sed latet in oikeía vocabulum quo non est aliud apud Oratores trietus et frequentius, nempt tā tēs φύσεως δικαία ἀνωτερεί, veluti in Orat. xxv. 28 προφάσεως πλάτων καὶ γευθής aitia synchronous tā tēs dikaia et tōs νόμων dikaia, quae commemorat idem Orator xxv. 3 med' ēa tōs δεινων δικαίων tā tōs νόμων dikaia' (Nova Lec- tiones p. 619).—tā tēs φύσεως οικεία may however be retained in spite of the above suggestion, and we may readily render it 'natural relationship' or better the home-ties of nature,' the natural ties of home affections.' In § 65, Stephanus is denounced as the 'common enemy of all human nature.'

C. R. Kennedy (Introduction to κατ' Στέφ. p. 45) observes, "To give willfully false testimony against the plaintiff was an aggravation of his offence, ... for the Athenians excused a man
άλλος καὶ τὰ τῆς φύσεως οἰκεῖα ἀναφεί. τοῦτο τούτων ἐπιδειχθῆται πεποιηκὼς ούτος; 54 μὴν καὶ ὁ τῆς ἐμῆς γυναικὸς πατήρ ἀδελφοί. άστε τὴν μὲν γυναίκα τὴν ἐμὴν ἀνεψιάν εἶναι τούτων, τους δὲ παῖδας τοὺς ἐκεῖνου καὶ τοὺς ἐμοὺς ἀνεψιάδους. 1118 ὅρ' οὖν δοκεῖ ποτ' ἄν ὑμεῖς οὕτος, εἰ τε ἐνιδώς εἰδε ποιοῦσας ὃν οὐ χρή τὰς αὐτῶν συγγενεῖς, ὅπερ ἢδη τολλοὶ πεποιήκασι, παρ' αὐτῶν προκε ἐπειθές ἐκδούναι, ὡς ὑπὲρ τοῦ μυὸν άτροφήκει κομίσασθαι ταύτας τὰ φευγομαρτυρεῖν ἱθέλησε, καὶ περὶ πλείονος ἐποιήσατο τὸν Φορμίωνος πλούτου ἢ τὰ τῆς συγγενείας 55 ἀναγκαία; ἀλλὰ μὴν ὑπὲρ ταύτ' ἀληθῆ λέγω, λαβέ μοι τὴν μαρτυρίαν τὴν Δεινίου καὶ ἀναγγέλω σκε, καὶ κάλεσιν Δεινίου.

ΜΑΡΤΥΡΙΑ.

"[Δεινίας Θεομηνίστου Ἀθμονέυς μαρτυρεῖ τὴν θυρεῖν Βεκκερ (Βερλίνη έκδ.) ομ. Ζ et Bekker (εκθεσ. Σειρά της Λειψίας έκδ.) επ. Σ. ΐ. Σ.]

for being reluctant even to give true evidence against a relation." [The patriarchal system, descended from the old Aryan peoples, made the Greeks view all family ties as almost inviolable. With all their respect for 'written law,' the obligations of relationship had more of religious sanction. See Cox, Hist. of Greece, i. pp. 15–18. P.]

§ τῆς ἀνεψαί, i.e. cousins once removed, second cousins. The form of the word follows the analogy of λεικείως, κωδείως, ἀδελφαίως, θυγατριδίως, ἀναγκαίως, the terminations in -ίδες, -ίδος, -ιδεῖν ἡ θεία, being a kind of patronymic form, P.]

See Diet. Ant. s. v. Heres.

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

τὰ συγγενεῖς ἀναγκαία. [The strong ties of kindred.] Cf. necessitudo. Fals. Leg. § 290. ἐπὶ συγγενεῖσι καὶ ἀναγκαίοις. Cf. Or. 36 § 30 ἄνδρα...οικείων.

55. Δεινίας Ἰεθομηνίστου Ἀθμονέου. The father's name is
XLV. ΚΑΤΑ ΣΤΕΦΑΝΟΤ [§§ 55—58.

γατέα αυτοῦ ἐκδόυναι Ἀπολλοδόρῳ κατὰ τοὺς νόμους γυναίκα ἤχειν, καὶ μηδεπότε παραγενέσθαι, μηδὲ αἰσθέναι ὅτι Ἀπολλοδόρος ἀφίκη τῶν ἐγκλημάτων ἀπάντων Φορμίωνα.]" 56

"Ομοίος γε ὁ Δεινίας, ὁ ἄνδρες δικασταὶ, τούτῳ, ἐς ὑπὲρ τῆς θυγατρὸς καὶ τῶν θυγατριδῶν καὶ ἐμοῖ τοῦ κυριευτικοῦ διὰ τῆς συγγένειας οὐδὲ τάληθ᾽ μαρτυρεῖν ἐδείκτη κατὰ τούτοις. ἀλλ' οὐχ οὗτοι Στέφανος, οὐκ ἔκπλησε καὶ ἡμῶν τὰ γευσθή μαρτυρεῖν, οὔτε ἐπὶ μηδένα τῶν ἄλλων, τὴν αὐτοῦ κτήτρα ἡσυχίη τοὺς ἀπ᾿ ἐκείνης οἰκεῖως τῆς ἐσχάτης ἐνεδίας αἰτίως γεγομένος.

very likely to be right, as Deinias had a son named Theomenestus (Or. 59 §§ 2 and 16) and the grandson very often bore the same name as the grandfather (note on Or. 39 § 27). But of the numerous persons named Deinias or Theomenestus, not one is described in any inscription as Ἀθωρείτης, and the ascription of the witness to the same in question is perhaps due to the invention of the composer of the document.

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

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

56. ἀλλ᾽—οὐκ ἐκπλησώ.] Elsewhere, we have the ἀλλὰ repeasted, e.g. Or. 21 (Meid.) § 200 ἀλλ᾽ ὧν Μελίας, ἀλλ᾽ ἠκέ τῆς ἡμέρας τοῦτον λέγει κ.τ.λ., and Or. 23 (Aristoe.) § 89 ἀλλ᾽ ἐν Ἀριστοκράτῃς, ἀλλὰ προσταλείπῃ τὸν κ.τ.λ. Passages like these lead Dobree to say, 'ἀλλ᾽ ὧν Μελίας ἀλλ᾽ ἐκπλησώ,' but either construction is allowable.—οὐκ ἐπὶ μηδένα τῶν ἄλλων, ἤς ἡσυχίως. If he had no respect for any one else, he might at least have respected (had some regard for) his own mother and her relations.
57 "O toumén ἐπαθον δεινότατον καὶ ἔφ' ὃ μᾶλλον ἔξεπλάγην, ἵν' ἤγονιζόμην, ὁ ἄνδρες δικασταί, τούθ' ύμῶν εἰπεῖν βούλομαι: τὴν τε γὰρ τούτου πονηρίαν ἔτι μᾶλλον ἰμέις ὅρεσθε, καὶ ἐγὼ τῶν γεγενημένων ἀποδυράμενος τὰ πλείστα πρὸς ύμὸς ὁστερὲ βάσων ἔσομαι. τὴν γὰρ μαρτυρίαν, ἢν ὄμην εἶναι καὶ δὲ ṼΣ 1119 ἢν ὁ πλείστος ἐλεχθὸς μοι, ταύτην οὖν εὐρον ἐνοῦσαν 58 ἐν τῷ ἑκίσι. τότε μὲν δὴ τῷ κακῷ πληγεῖς οὐδὲν ἀλλὸ εἰχον ποιῆσαι πλὴν ὑπολαμβάνειν τὴν ἄρχην ὑδικη-

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

I call witnesses to prove this: they take an oath of disclaimer.

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

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

57. ἐξεπλάγην. The form -πλάγης is post-Homeric and is used in compounds with the sense 'strike with terror or amazement.' (Veitch Gk. Vbs. s. v. πλάγω.) For the simple verb, ἐπλάγη was used, as in the first line of the very next section, but only in the sense of 'receiving a blow from.' [e.g. Soph.Oed.Col.605, διεφ' ἄναγκη τῷ πληγήσαι χθονι and Eur. Orest. 497, πληγεῖς θυγατρός τῆς ἔμην ὑπὲρ (ὑπαλ.) κάρα. πληγεῖς τῷ κακῷ, for ἐπιλαγεῖς, is remarkable; as if a Roman had said malo percussus, for percussus, P.]

ἀποδυράμενος τὰ πλείστα πρὸς ἰμέων.] 'by unburdening to you all that I can of my past sorrows.' Hdt. ii. 141, πρὸς τῷ γαλαμμα ἀποδόρεσθαι ολα κυνωσέει ταθέων.

ῥώω ἐσομαι.] 'I shall feel relieved' or to translate it still more closely 'I shall feel easier.' For this use of ῥῶεν, cf. Eur. Ion 872, στέρων ἀπονισάμενη ῥώω εἰσομαι. Hero. Fur. 1407 ὥς ἰδί τι φιλτρω τοῦ ἐχον ῥῶεν ἐσοι.

58. τὴν ἀρχὴν.] 'the magistrate,' in whose possession the sealed casket of depositions was kept until the trial. Cf. notes on Or. 55 § 24 τὴν ἀρχὴν and on Or. 39 § 9 where ἀρχὴν, like magistratus in Latin and 'authorities' in English, is used of the holder of the office as well as of the office itself. 'Porten.

closest to Reiskeus τὴν Ἀρχὴν.
κέναι μὲ καὶ τὸν ἐχῖνον κεκινηκέναι. τῶν δὲ ἀφ’ ὧν ἔστερον πέπυσμαι, πρὸς αὐτῷ τῇ διαίτητι Στέφανον τοιτού ἀυτὴν υφηρεμένον εὐρίσκω, πρὸς μαρτυρίαν τινὰ, ὡς ἐξορκώσαμι, ἀναστάτους ἐμοῦ. καὶ ὅτι ταύτῃ ἀληθῇ λέγω, πρὸτον μὲν ὡς μαρτυρήσωμεν τῶν τούτων παρόντων αὐτῶν. οὐ γὰρ ἔξομνυναι ἑθελήσειν αὐτοὺς ἱμαῖν. εἶναι δὲ ἀρα τοῦτο ποιήσωσιν ὠς ἀναδεικνύ, πρόκειται ὡς ἀναγνώσωμαι, Εἰ δὲ τούτοις τῇ ἐπιορκοῦντας ἐπὶ αὐτοφύρων λήψεσθαι καὶ τούτων ὁμοίως υφηρεμένων τὴν μαρτυρίαν εἴσεσθαι. καὶ τοῖς οὕτως, ὁ ἀνδρὸς Ἀθηναίοι, κακῶν ἀλλοτρίων κλέπτης

πολλαὶ Ζ (cf. § 51).

says Dobree.—Archippus having died eight or ten years before the suit against Phormio.

τῶν ἐχινῶν κεκινηκέναι.] 'had tampered with the deposition case.' καὶ εἰς is similarly elsewhere in the sense of 'meddling with unlawfully' in Or. 22 Androt. § 71 and Or. 24 Timoc. § 179 χρήματα καὶ ἱερά. Hdt. vi. 134 καὶ τὰ δείκτα. ἐκορκώσαμι.] 'that I might put a witness on his oath,' sa. τὸν μάρτυρα implied in the preceding μαρτυρίας. Or. 54 § 26, τῶν παρόντων ἡμῶν (sa. μαρτύρων) καθ’ ἑαυτὸν ἐπὶ τῶν λίθων δέχομαι καὶ ἐξερευνῶμαι.

εξομνύσω.] 'to take an oath of disclaimer.' Cf. Fals. L.og. § 176 ἡ μαρτυρίας ἐξ ἐξουσίας ἐπισταθεὶσ αὐτῶν καὶ ἐξουσίων, ἐπικορύστας ἐξοριστῶν παρὰ ἑαυτὸν φαινόμενον. Pollux: εξουσία δὲ, ἵταν τὸ προσβεβλητῆς ἐπὶ ἐλλήνων τῶν δημοσίων ἐπισταθείσα, ἐπικορύστας ἐπὶ αὐτῶν φαινόμενον: αὐτὴς δὲ τοῖς ἐξερευνῶται καὶ τοῖς ἐξερευνηταῖς καὶ τοῖς ἐκδοθέντας μάρτυρας, εἰ φανεροὶ μὴ ἐνεγκαθισθήσατ' εἰς τὸ ἐξερευνοῦσα. Iassus Or. 9 (As-

typh.) § 18 καὶ Ἰσραήλ ἐνα ἐναρτήσιν τούτων μαρτυρίας ἐξομνύσαται. ΜΑΡΤΥΡΙΑ. ἐκρίσεως μὲν ἦδον τοῦ γὰρ αὐτὸν ἀδήτος ἔστιν, ἀ μὲν οἶδεν, εξομνύσαται, τὸν δὲ μὴ γενομένων πιστὰς ἔθελεν ἐκθέται ἢ μὲν ἐδέσμα γενόμενα. Or. 29 § 20; Or. 59 (Theocritos) § 7; Or. 59 § 28.

in the suit against Phormio.

κακῶν ἀλλοτρίων κλέπτης κ.τ.λ.] 'did not shrink from being set down as having stolen what stood in other people’s way.' κακῶν ἀλλοτρίων κλέπτης is a very questionable expression ('singulariter dicta sumpsit' observes Lortzing p. 91), 'a thief of other people’s ill,’ meaning (as some suppose) one who steals what is detrimental to other people’s interests, in this case the ma-

ρυπια, which is a κακῶν ὀπλωτός to Phormio and a κακῶν ἀλλα-

tριώτως to Stephanus. Beikae says ‘For alienorum malum est Graecis illae qui malis, fraudes, scelestis, clam in occulto exsequitur et percutit, non sponte sus, sed issu aliena;’ and similarly C. B. Kennedy (rather vaguely) renders it ‘a person who would commit a theft as a
υπέμεινεν διομασθήναι, τι ἂν ἤγεισθε ποιήσαι τούτον
οὗτος αὐτοῦ; λέγε τὴν μαρτυρίαν, εἰτά τὴν πρόκλησιν
ταύτην.

ΜΑΡΤΥΡΙΑ.

'Μαρτυροῦσι φίλοι εἶναι καὶ ἐπιτῆδεοι Φορμ.

τούτων ἀλογον τοῦ Z cum FΣΦ. τούτων ύπερ αὐτοῦ Bekker
cum γρ. FΣΦ. 'sensui satisfacervit deumēνυν vel alīoventis του. Cf.
§ 62.' Sauppe.

tool of another.’ G. H. Schaefer, who rightly doubts whether
κακά ἀλλοτρίων can mean any-
thing but malā quae alīus pa-
titur, proposes to read κακῶν
with the sense ‘qui quid furau-
tur, ut sceleribus alius accidam-
det.’ Another critic (Beiss, diatribe p. 100) says: ‘κακῶν
ἀλλοτριῶν κλέτης lepide vocatur
Stephanus, qui in gratiam Phor-
minionis et fortasse eius jusseu,
testimonium e capsula surripu-
erat.’ In Plato Rep. 346 δ we
have μπεκα ἐδείξαν ἐκτά ἀρ-
χει καὶ τὰ ἀλλοτρια κακά μετα-
χειρίζονται ἀνορθοῦντα (‘to handle
and set right other people’s
disorders’), but neither this nor
any other passage that I can
find supports the sense usually
assigned to the words before us.

It may therefore be worthwhile to suggest that κακῶν may
be corrupt and should be altered into καὶ τῶν where καὶ empha-
sizes the whole clause τῶν ἀλ-
λοτριῶν κλέτης υπέμεινεν διο-
μασθήναι, and not τῶν ἀλλοτριῶν
only. [The latter construction
would inappropriately import
into the passage some of the
humour of the lines in Aristoph.
Rannae 610 εἰτ' ὁδὴ δεικα ταῦτα,
tόστωσ τούτως κλέτηστα, πρὸς
τ' ἀλλοτρία 'isn't it a shame to
beat this poor fellow (Xanthiss)
for stealing, and that too—

another man's goods?’ A not
uncommon παρὰ προσδοκίαιν, as
if some other kind of theft were
possible.] Or again we may
alter κακῶν into καὶ ἐκτῶν, com-
paring § 62 where ὁ τὴν τοῦ
κλέτης φαντάζει (δόξαι) μὴ φυγὼν
is parallel to δὲ ἀμέτοιχοι ἐκτῶ
ἐπελούθης (= ἐκτῶν) πο-
νηρός ἂν.

ἀλλοτριῶν in any case is in-
tended to point the contrast
with ύπερ αὐτοῦ in the second
half of the sentence.

[καὶ τῶν ἀλλοτριῶν κλέτης
seems a highly probable emenda-
tion; nor is there any difficulty
in καὶ referring to the general
character of a κλέτης τῶν
ἀλλοτριῶν. P.]

60. μαρτυροῦσι κ. τ. λ.] The
composer of the present docu-
ment and the next and of that
in Or. 46 § 21, has not taken the
trouble to invent any names for
the witnesses. He describes
them as ‘friends of Phormio’
to suggest a motive for their
disclaiming cognisance of the
alleged theft on the part of his
witness Stephanus. The writer
adds that it was ‘on the declara-
tion or award of the arbitrator
between Phormio and Ap.’ But
so long as there were fresh wit-
nesses being brought forward
(as appears from § 58 πρὸς
μαρτυριὰν κ. τ. λ.), the case was
not ripe for the arbitrator’s
ονι, καὶ παρέθηκα πρὸς τῷ διαίτητι Τισίμ. ὅτε ἦν ἀπόφασις τῆς διαίτης Ἀπολλόδωρος πρὸς Φορμίωνα, καὶ εἰδέναι τὴν μαρτυρίαν ὑφηγημένου Στέφανου, ἦν αἰτιάται αὐτῶν Ἀπολλόδωρος ὑφελέσθαι.]

* ἡ μαρτυρεῖτε, ἡ ἔξομόσσαςθε.

ΕΞΩΜΟΣΙΑ.

61 ὦν ἄδηλον ἦν, ὃ ἀνδρέας διασταλ, ὑπὸ τοῦτο ἐμέλλον πονήσεω, προθύμως ἔξομέσσαθαι. ἵνα τοῖς παραχρήμα ἐξελεγχόθωσιν ἐπιωρκηκότες, λαβεῖ μοι ταύτην τὴν μαρτυρίαν καὶ τὴν πρόκλησιν. ἀναγύρωσκε.

ΜΑΡΤΥΡΙΑ.

[Μαρτυροῦσι παρέθηκα, ὅτε Ἀπολλόδωρος προνακαλεῖτο Στέφανον παραδόναι τῶν παῖδα τῶν ἀκόλουθον εἰς βάσανον περὶ τῆς ὑφαινέσεως τοῦ γραμματείου, καὶ γράμματα ἦν ἔτοιμος γράφειν Ἀπολλόδωρος, καθ' ὅ τι ἐσται ἡ βάσανος. ταύτα δὲ προκαλομένου Ἀπολλόδωρου οὐκ ἐξελεγθαι παραδοναι Στέφανον.

* om. Σ.

decision; so we must either suppose that the writer has made a mistake, or that at any rate he uses ἀπόφασις in a vague and general sense for the process of decision and its immediate antecedents. (A. Westermann u. s. p. 111—112.)—On ἀπόφασις, cf. Or. 54 § 27 ad fin. The word in this sense is from ἀποφαίνω, not from ἀποφήμι.

61. p. 1120. μαρτυροῦσι.] The fabricator of the document overlooks the fact that the μαρτυρία and the πρόκλησις are two separate documents. It is improbable that he deliberately left out the πρόκλησις, as he has taken the pains to manufacture all the other necessary documents in the case. The two titles μαρτυρία and πρόκλησις are wrongly placed at the head of the document, implying that either the compiler or the transcriber thought that the document included both. Dindorf (ed. 3) has rightly placed the πρόκλησις after the document, as in Or. 59 § 123 § 124.

καθ' ὃ τι ἐσται ἡ βάσανος.] 'The terms of the torture.' Cf. Ar. Ran. 618—625 (a) καὶ τώς βασάνισι; (b) πάντα τρόπων κ.τ.λ.—(a) καὶ το πνεύμω γε σου τῶν παῖδα τύπων τάρταρον σε κεισεται. Antiphon vi. (de Choreuta) § 28 ὃμολογον πείσας τὸν δεστὸ τὴν παραδόσειν αὐτῷ βασάνις τρόπων ὑπὸν βολοῖν.
ἀλλὰ ἀποκρίνασθαι ἔνας ἰσιας, ὁ ἰνδρεῖς δικασταὶ, εἰπὲ ἐπὶ ἑκάστην αὐτῷ, οὐκ ἔδειξα τὴν βάσανον; οὐκοῦν τῷ φεύγειν τὴν βάσανον ὑφηγημένος ἐξελέγχεται. ἄρα οὖν ἄν ἐμάκαρτον λόγον δοκεῖ τὴν τοῦ ταυτόν ἐν τῇ δικείᾳ ἀναμμένον, ἡ δεσπότες ὁμοίως ἐν τῇ δικείᾳ ἀναμμένον, δός ἀ μιθεῖς ἐκεῖνοι ἐπὶ εὐλογήσεις ποιήσας ἢν;

63. Δικαίως τοῖνυν, ὁ ἰνδρεῖς Ἀθηναίοι, τοιῶν ἀπάντων διὸς δικείν, τολῆς μᾶλλον ἄν εἰκότως διὰ τὰ ἀλλακτικά παρ᾿ ἡμῖν, σκοπεύσε δὲ, τὸν βίον ὑφιστάθηκεν ἐξελέγχοντες οὗτος γὰρ, ἡνίκα μὲν συνεβαίνει εὐτυχεῖν Ἀριστολόχω τῷ τραπέζῳ, ἵσα βαίνων ἐβάδισεν

— Bekker. ἐκεῖνοις Ζ συμμέτοχοι.

62. τῷ τοῦ κλάτος φαινόμεν (δόξαν), 'the discredit of being proved a thief.' (Who did not shrink from becoming a thief.' K.)

§§ 63—67. Examine the defendant's life and character, and you will find him cringing to and flattering the prosperous, only to desert them when they fall into destitution. For the present, he is the creature of Phormio; and, to compass his own ends, he is willing to do wrong to his own relations, regardless of the ill-repute he thus incurs. He deserves to be abhorred as the common enemy of all humanity. With all his wealth, he has never performed a single public service. Rogues who are poor may have some allowance made them, for the exigencies of their position; rogues who are rich can claim no excuse and therefore call for punishment at your hands.
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υποπεπτωκός ἐκεῖνος, καὶ ταύτα ἱσασὶ πολλοί τῶν 64 ἐνθαδί' ὄντων ὑμῶν. ἐπειδὴ δὲ ἀπώλει' ἐκεῖνος καὶ τῶν ὄντων ἔξωτη, οὐχ ἕκιστα ὑπὸ τούτου καὶ τῶν τοι-ούτων διαφόρησεις, τῷ μὲν οὐκ τῷ τούτου πολλῶν πραγμάτων ὄντων οὐ παρέστη πιστότε νοῦ' ἔσοθη-σει, ἀλλ' Ἀπόλλης καὶ Σάλων καὶ πάντες ἀνθρώπων μᾶλλον βοηθοῦσι. Φορμίωνα δὲ πάλιν ἐδρακε', καὶ τούτῳ γέγονεν οἰκεῖος, ἐξ 'Αθηναίων ἀπάντων τούτου ἐκλεξάμενος, καὶ ύπὲρ τούτου προσβευτῇς μὲν ἕχετο 1121 εἰς Βυζάντιον πλέων, ἣνικα ἐκεῖνοι τὰ πλοία τὰ τούτων κατέσχον, τὴν δὲ δίκην ἔλεγεν τὴν πρὸς Καλχθούνους, τὰ γευδὴ δ' ἐμοῦ φανερῶς οὕτω καταμεμρυηκέναι. 65 εἰδ' ὡς εὐτυχοῦσαν ἐστὶ κόλαξ, καὶ ἀνυχώσας, τῶν αὐτῶν τούτων προδότης, καὶ τῶν μὲν ἄλλων πολιτῶν ἔδρακε Ζ.

explains it here as 'trucking to, and adapting his pace to his companion's.' The phrase became common in later Greek, e.g. Alciphrion Ep. iii. 56 ἐπιθείς σεαιτὼν, οὔδεν δέν, καὶ βαδί-ζεις ἵσα δὴ [καὶ τῦφον πλήθει εἰ] τοῦτο δὴ τοῦ λόγου, Πυθοκλεί. See note on § 68.

64. τῶν δυτῶν ἐξήκοντα.] Or. 36 § 50 ἐξεστηται ἄπαντων τῶν δυτῶν. διαφόρησεις.] In pass. generally of things, here of the person, plundered. [But it is an uncommon word. Eur. Bacch. 746, θάσον δὲ διεφοροῖτο σαρκὸς ἐνυτα, 'the cattle had their flesh (or hides, perhaps) carried off in different directions.' Ibxid. 739, ἄλλα δὲ δαμάσαι διεφόροι σπαραγμασίαι. P.]

Ἀπόλλης.] Harpocr. εἰς τῶν 'Συγγραφέων, θέλων καμῳδεῖ ἐν Σοφισταῖς. (For ' the mss have 'r, corrected by Cobet who explains it of the ten συγγραφέοις in Thuc. viii. 67.) Ἀπόλλης Προσδότης occurs in Or. 48 τρὸς Μακάρατον as grandfather of Macartatus and there are others of the same name in inscriptions. Of this Solon nothing is known, and Ἀπόλλης cannot be identified with any of the above.

ἔδρακε] respetit, 'has had his eye upon,' i.e. has courted. A remarkable use. P.]

προσβευτῇς.] 'Agent.' Or. 32 Zenoth. § 11, προσβευτής ἔκ βουλῆς τών λαμβάνομεν... One who negotiates for another is named after a political custom 'an ambassador.'

ἐκείνοις] so. cf. Βυζάντιοι, implied from Βυζάντιον. See note on Isocer. Panag. § 110: φάσκον-τες μὲν λαξωθεῖς τῶν αὐτῶν δ' ἐκείνους ἐπιτηθείσσθαν. Καλχθούνους.] Phormio, it seems, must have been implicated in some mercantile suit with people at Calchedon (opposite Byzantium). The affair is not alluded to elsewhere.
πολλῶν καὶ καλῶν καγαθῶν ὅντων μηδενὶ μηδὲ ἐξ ἵνα χρηται, τοῖς δὲ τοιοῦτοις ἐθελουτής ὑποτιτπεί, καὶ μὴ τὰ τῶν οἰκείων ἀδικήσει μὴν εἰ παρὰ τοῖς ἀλλοις φαίδην δόξαν ἔσει ταῦτα ποιών μητ' ἀλλο μη-δὲν σκοπεῖ, πλὴν ὅπως τι πλέον ἔσει, τοῦτον οὐ μισειν ὡς κοινὸν ἔχθρων τῆς φύσεως ἀλης τῆς ἀνθρωπίνης 66 προσήκει; ἔγογγον αὖ παῖνη. ταῦτα μέντοι τὰ τοσαῦτην ἐχοντα αἰσχύνην, ὃ ἀνδρες Ἀθηναίοι, ἐπὶ τῷ τῆς πόλιν φεύγειν καὶ τὰ ὑπατα ἀποκρύπτεσθαι προφητεῖ πράσεων, ἵνα ἔργασαι ἄφανείς διὰ τῆς τραπεζῆς ποιη- 
ται καὶ μήτε χρονίζῃ μήτε τριπαραχῇ μητ' ἀλλο μηδεν ὧν προσήκει ποτῇ καὶ κατεργάσαι τοῦτο. τεκμηρίου δὲ ἔχουν γὰρ οὕσιαν τοσαῦτην ᾧςτε ἐκατόν μνᾶς ἐπι- 
δοῦνά τῇ θυγατρί, οὐδ' ἤμμοιν ἐφαρμαί λειτουργίαν ὑφ' ἴμων λειτουργῶν, οὐδὲ τῇ ἐλαχίστῃν. καὶ- 
τοί πόσον κάλλιον φιλοτιμούμενον ἐξετάζασθαι καὶ προσβλημένου εἰς ἀ δεὶ τῇ πόλει, ἢ κοιλακόντα καὶ 
τὰ ζευδὴ μαρτυροῦντα; ἀλλ' ἐπὶ τῷ κερδαινεῖν πάν

" Bekker. χρήματα Zcum Σ. 

Β. Bekker. λειτουργίας ἐφωτιάται Zcum Σ. ("F, non Σ." Dindf.)

65. καλῶν καγαθῶν.] In good Greek always two words (neither καλὸς καὶ ἁγάθος nor καλοκαγάθος) though the derivative is never- 
theless καλοκαγάθα. Cf. θεοῦ ἑχθρὸς and θεοεχθρία. See note 
on Isocr. Paneg. § 78.

κοινῶν ἑχθρῶν τῇ φόσων.] § 58 τὰ τῇ φώσεως οἰκεῖα ἀναρεῖ.

66. ἐπὶ τῷ τῆς πόλεως φεύγειν.] 'With a view to escape the public service.' K. [Another singular expression. Such citi- 
zens were called διαδραστικοῦτα, Ar. Ran. 1014.]

ἔργασαι ἀφανείς.] 'Sly (un- 
returned) profits.' Contrast § 80 
α πάσεσ ἑδόσας κ. τ. 

χρονίζῃ τριπαραχῇ.] See note 
on Or. 86 § 39 ἑλευθερείας.—

καταφραγσαι τοῦτο (middle) 'he 
has accomplished this object.' 

τεκμηρίου δὲ ἔχουν γὰρ.] Mad- 
vig Gk. Synt. § 196 a, and note 
on Isocr. Paneg. § 87.

ἐξετάζασθαι.] 'To be found in 
the pursuit of an honourable 
ambition for willing service to 
the state.' Or, shorter, 'to shew 
oneself a man of public spirit.' 

Harpocr. ἀντὶ τοῦ ὀρασθα, ἀναρ- 
thήης κατὰ Στρεφάνο. καὶ εἰ τῷ 
κατ' Ἀρώτοις (p. 613 ad fin.) 
"ἐξητάζες" φεύγειν ἀντὶ τοῦ ὀφθαλμοῦ, 

c. w. b.
XLV. KATA STEFANOT [§§ 67, 68.

67 ἀν οὗτος ποιήσειεν. καὶ μὴν, ὃ ἀνδρὲς Ἀθηναίοι, μᾶλλον ἄξιον ὑφίλως ἔχαν τοὺς μετ’ εὐπορίας πο- νηρῶς ἢ τοὺς μετ’ ἑδεῖας. τοὺς μὲν γὰρ ἡ τῆς ἀνάγκης καὶ ἔργων μεταρρυθμίσεως λογιζόμενως οἱ δ’ ἐκ πειρασμῶν, ἄσπερ οὗτος, πο- νηρὸι οὐδεμιᾶν πρόφασιν δικαίων ἔχαν ἄν εἰπεῖν, ἀλλ’ αἰσχροκερδίαν καὶ πλουνεξίαν καὶ ὑβρεῖ καὶ τῷ τούτῳ συντάγμα τυπικότατος τῶν νόμων ἁβὼν εἰναι ταῦτα φανήσονται πράττοντες. ώμω δὲ εἴδαν τούτων συμφέρει, ἀλλὰ τῶν ἀσθενῶν παρὰ τοῦ πλου- σίου δίκην, ἀν καὶ ἀδικηταί, δύνασθαι λαβεῖν. ἔσται δὲ τούτῳ, ἐὰν κολάξῃ τοὺς φανερῶς οὗτος ἐξ εὐπορίας πονηρῶς.

68 Οὗ τοίνυν οὖν ὃ καὶ πεπλαστάι καὶ βαδίζει οὗτος

w -ἐλιγ. 2. ἐξ Σ prima manus.

67. ἡ τῆς ἀνάγκης χρεία.] 'The force of circumstances ('the pressure of their necessitous lot,' lit. 'need induced by necessity,' 'leads to some allowance being made for them in the eyes of those who view the case with human fellow-feeling.' Stobaeus in quoting this passage in his 'Elegant Extracts' has the reading adopted in the text, instead of the common reading ἡ τῆς χρείας ἀνάγκη. He also has ὀυδεμιᾶς δικαίων πρόφασιν ἔχουσιν, besides, for obvious reasons, omitting ὡσπερ οὗτος. (Florilegium 46. 72. p. 316.) The extract proceeds with the words πολλὰ δ’ οὖν κακὰ πράγματα τοὺς ἑλευθέρους ἢ τενία βιαῖται τοῖς, ἐφ’ οἷς ἡ ἑλευθερία δικαίωτερον ἢ προσαφολλύμενο, which do not appear in the present passage. They are really taken from Dem. Or. 57 (Enchiuades) § 46, as Meineke might have noted in his edition of Stobaeus. For the copyist’s patchwork δ’ οὖν κακὰ πράγματα we should therefore restore δουλεικὰ πράγματα from Demosthenes himself, and print the passage as a separate extract.


ἐξ εὐπορίας πονηρῶς.] 'made bad by their wealth.' K. is hardly correct here in rendering 'men who (for all their riches) are thus flagrantly dishonest.' It is not in spite of, but directly from, their large means that they become bad citizens. P.] §§ 68—70. His affected airs as he sullenly slinks along the
sides of the streets, so far from shewing a modest reserve, really indicate an unsociable character. All this solemn guile is purposely put on, to veil his real disposition, while it serves to repel the approaches of his fellow-men. He has never contributed to the needs of any one of the citizens of Athens; but as a usurer, who counts his neighbours' needs his own good fortune, he has ejected relations of his from their homes, and shown himself ruthless in the exaction of interest from his debtors.

68. τέπλασται κ. τ. λ. explained by the contrast immediately after, τοῖς ἄνδροις ὧν περάκεις βαδίζουσι καὶ φαιδροῖς. τέπλασται καὶ βαδίζει instead of ἔχει τεταλαμμένη δῶσιν καὶ τὸ σεμὺν βαδίσμα, is a fresh instance (like ὅν διεφθάρει in § 27) of the fondness of the Greeks for throwing into the verb what in other languages would be naturally expressed by a substantive.  ἔσκυρωτακός. Or. 54 § 84 μεθ' ἧμεραν μὲν ἔσκυρωτακάς καὶ λακωνίτως φασι... For this and similar words expressing sullen and demure demeanour the student should read the speech of Herocles in Eur. Alc. 773—802.

P. S. D. II.
XLV. KATA ΣΤΕΦΑΝΟΤ [§§ 68—70.

λογίσθαι παρ’ αὐτῷ ὅτι τοὺς μὲν ἀπλῶς, ὡς πεφύκασιν, βαδίζουσι καὶ φαιδροὶ καὶ προσέλθοι τις ἀν καὶ δεθείη καὶ έπαγγελλέειν οὐδὲν ὁκνών, τοὺς δὲ πεπλασμένοις καὶ σκυθρωποῖς ὁκνήσεις τις ἀν προσέλθειν 69 πρότων. οὐδενός οὖν ἄλλο ἡ πρόβλημα τοῦ τρόπου τοῦ σχῆμα τούτ’ ἔστι, καὶ τὸ τῆς διανοίας ἄγριον καὶ πικρὸν ἐνταῦθα δῆλον. σημειον δέ τοι οὐκότων γὰρ ὑπὲρ τὸ πλήθος Αθηναίων, παράττων πολὺ βέλτιον ἡ σὲ προσήκου ἡ, τῷ πῶποτε εἰσίνεγκας, ἡ τίνα εὐποιηκάς ἢ; οὐδενός οὖν εἰπεῖν 70 ἐχοις ἀλλὰ τοικίζου καὶ τὰς τῶν ἄλλων συμφοράς καὶ χρείας εὐτυχήματα σαντοῦ νομίζων ἐξέβαλες μὲν

Bekker. ἡ τίνα εὐ πεποίηκας om. Z cum Σ.

be said of ποιεῖν δώλητον, 'to deprive of a home,' § 70. P.] τοῖς... φαιδροῖς... προσέλθοι τις ἀν καὶ δεθείῃ. The 'Surly man' (ὁ αιθάδης) is characterised by Theophrastus as apt προσεγγισθῆναι μὴ ἄντιπροσειτεῖν.—φαιδροῖς, 'cheerful,' 'bright' (as we say).

dεθείη καὶ έπαγγελλέειν. 'prefer a request and make a promise (or proposal). The two words are correlative to one another like 'asking and granting a favour,' έπαγγελλέειν is an emendation for έπαγγελλεῖν proposed by H. Wolf and accepted by Reiske and others. Dobree unnecessarily suggests 'Quaere an potest = έπαγγελλάτω, i.e. opem peteret.' This would involve a needless repetition of the idea of δεθείῃ. [Besides, έπαγγελλάτω is rather 'to make a profession of,' 'to propose that some one should accept your service' in some matter. P.] τοῖς πεπλασμένοις καὶ σκυθρωποῖς.] 'Affected and sullen characters.'

69. πρόβλημα τοῦ τρόπου.] 'A cloak to mask his real character.' Soph. Phil. 1008 οὐς μ’ ὑπῆρθες, ὡς μ’ ἐθηράω λαβὼν πρόβλημα σαντοῦ ποίδα τῶν' ἀγωνί' ἐμοι. Cf. παραπτάσμα supra. § 19, also πρόσχημα in the sense of 'an excuse,' ἐνταῦθα δῆλον.] 'He shows herein the real rudeness and bitterness (malignity) of his disposition (or temper).'

tῷ πῶποτε εἰσίνεγκας.] 'to whose service did you ever contribute?' Cf. Or. 53 § 9 ἔργων αὑτῷ...εἰπολοιμι. συμβεβλησαι.] 'to whom have you ever lent any aid?' K. Or., perhaps, 'with whom have you had any dealings?' But συμβαλλακτικα (with perf. pass. used as mid.) may here be used in a general sense of helping, as in Or. 21 (Meid.) § 133 συμβαλλομένου τοῖς συμμάχοις. We have the active use in Or. 34 § 1, συμβολαίον τολλοῖς συμβάλλοντες.

70. ἐξέβαλες.] 'ousted from his patrimony,' cf. Or. 36 § 49 ἐκβαλεῖν. The debtor in such a case would be said ἐκτισεῖν or ἐκτήσ.
τὸν σαυτοῦ θείον Νικιάν ἐκ τῆς πατρίας οἰκίας, ἀφῆ- 1123 μα τῇ τῶν σαυτοῦ πεθεραῖν ταύτα ἀφ' ὧν ἔζη, ἀδέλφην δὲ τῶν 'Ἀρχεθήμου παῖδα τὸ σαυτοῦ μέρος πεποίηκας. οὐδείς δὲ πῶστε οὕτω πικρῶς οὐδ' ὑπερη- ρήμερον εἰσέπραξεν ὡς σὺ τοὺς ὀφείλοντας τοὺς τόκους. εἶτα ὦ ὀράτε ἐπὶ πάντων οὕτως ἀγριον καὶ μιαρὸν,

ὃς τῶν ὅτων. ἱδ. § 50. Ορ. 29
§ 2 Λαόν ὁμός καὶ πικρὸς δοτὰ συγγενῆ τούτων ἐκ τῆς οἰκίας ἀδαστὰς ἐκβεβλάκα.

θείον.] his (maternal) uncle, not patrimum. Reiske suggests that this Nicias may be identified with the person of that name in Or. 26 § 17 married to the sister of Apollodorus' wife. But the relationships that would thus result are rather complex (cf. supra §§ 54–56), and it seems simpler to suppose that there were two persons of that name in the same family.

dολεκτοῦ.] 'a homeless outcast.' The word is rare in this meaning, being generally used of an uninhabitable country ('ἀδελφός καὶ ἐρήμως ἃτο. ii. 34, cf. v. 10. So in Plat. Legg. 778 b, etc. L. and S.). Unless we accept it in the sense of 'houseless,' it would be necessary either (as Reiske says) to alter ταῖς into οἰκίας or to read δολεκτοῖ (as G. H. Schaefler suspects). The latter word is found in this sense in Plato Symp. 203 d and elsewhere. In Lucian however (p. 727), the word δολεκτοῦ is used as in the present passage. Gellius § 17, περεμεύμον δολεκτοῦ ἐστίν, ἄριστο ὁ Μνη- σαρχος ἔδερα[το ὡς τὸν οἶκον. ('Ἀλεξάνδρων λογιτεία).]

τῷ σαυτοῦ μέρος.] 'quod ad attinet.' So also τὸ σῶν μέ- ρος Soph. O. C. 1366.

ὑπερήμερον εἰσέπραξεν.] 'levied judgment on a defaulter.' K. Dem. Or. 38 (Apant.) § 6. Or. 21 (Mid.) §§ 81, 89, κυνέβρι ὑπερη- ρήμωρ γεγομένῳ λαθεῖν αὐτῷ διὰ τὸ ἀδικηθήναι. In Theophrastus the 'Penurious man' (ὁ μικρόλογος) is described as δεινὸς ὑπερημεριλαμ τράζει καὶ τόκον τόκον ἀπαιτήσας. Pollux: (speaking of debt) ὁ οἶκος ἐκτίσας κατὰ προθεσμίαν ὑπερή- ρημερος. Harpocr. ὑπερήμεροι οἱ ὅλην ὀφλόντες ὀποιανοῦ καὶ τὰ ἐπιτίμα τοῖς ἔλοντι μη ἅπαξ- δότες ἐν ταῖς τακταὶ προθεσ- μίαις...

In the whole of this passage the speaker dexterously avails himself of the odium and un- popularity attending the trade of a money-lender at Athens. Cf. Or. 87 (Pant.) § 52 μισοῦν Ἀθηναῖοι τοὺς δανεισαγγελόντες, and in the Epistles of Alciphron, borrowed doubtless in part from the later Attic Comedy, in a letter beginning μέγα κακῶν οἰκὸν οἱ κατὰ τὴν τόλμην τοκοῦλφα, the money-lender is described as πρεσβύτης, ὁμοθήματι μικρῶν, συν- εστακότας τὰς ὀφρύς (1. 26), cf. ἱδ. iii. 8. 2 ὁ Χρέμης ὁ κατεσκλη- κὼς, ὁ κατασκληκὼς τὰς ὀφρύς, ὁ ταυροθεῖν πάντα ὑποβλέπων. In the same letter we have another banker, of whom no harm is said, called by the conventional name Pasion, doubtless taken from our Pasion.

εἶτα — ἡδικητὶ καὶ λαβότες.] Compare Midias § 97.

7—2
XLV. KATA ΣΤΕΦΑΝΟΤ [§§ 70—75.

tou'ton òmu'os òdikikóta èp' auctofórfro labóntes ou τιμωρίσεσθε; deiwá aéra, o ándres dikastai, poiýsete kai ouxí diákaia.

71 Ἀξιον τοίνυν, ὁ ἄνδρες Ἀθηναῖοι, καὶ Φορμίων τῷ παρασχομένῳ τούτῳ νεμεσθαι τοὺς πεπραγμένους, τὴν ἀναίδειαν τοῦ τρόπου καὶ τὴν ἀχαριστίαιν ἓδειται. οἷοι γὰρ ἀπαντησ ὑμᾶς εἰδέναι ὑπὸ τούτων, ἡνίκα ὄνοις ἦν, εἰ συνεβῆ μόγεφοι ν ἢ τινος ἄλλης τέχνης δημιουργὸν πρίασθαι, τὴν τοῦ δεσπότου τέχνην ἂν μαθῶ τῶρα τῶν νῦν παρόντων ἢν ἁγάθων. ἔπειδὴ δὲ ὁ πατὴρ ὁ ἡμέτερος τραπεζίτης ὃν ἐκτήσατ' αὐτὸν καὶ γράμματα ἐπαίδευσε καὶ τὴν τέχνην ἐδίδαξε καὶ χρημάτων ἐποίησε κύριον πολλῶν, εὐδαιμονίᾳ ἡγοῦντο, τὴν τέχνην, ὡς ἤπετ' ἠμᾶς ἀφίκετο, ὀργὴν λαβόν πάσης τῆς νῦν παρούσης εὐδαιμονίας. ὁὐκοῦν δεῖνον, ὃ γὰρ θειὸς, καὶ πέρα δεῖνον, τοὺς Ἐλλήνα μὲν ἄντι βαρ-

§§ 71—76. At this point the speaker begins a fierce invective against Phormio. Against Phormio, who produced the defendant as his witness, you have a right to be indignant for his effrontery and his ingratitude. When Phormio was for sale, instead of being bought by a cook, or what not, and learning his master's trade, he had the good fortune to come into the hands of my father, who taught him the business of a banker, and conferred on him many other benefits. Yet, with all his wealth, he is ungrateful enough to allow the founders of his fortunes to remain in poverty and distress. He has not scrupled to marry her, who was once his own master's wife, thus securing to himself a large marriage-portion, while he suffers my daughters to languish without a dowry and become poor old maids in their father's house. Meanwhile, he counts and calculates the amount of my money, and criticizes me as narrowly as a master might his slave.

71. νεμεσθαί. A poetic verb, rarely found in good Greek prose. It occurs, however, in Or. 20 (Lept.) § 161, τουάρα... οὐς μηδεὶς ἂν νεμεσθαί; twice in Plato, and also in Arist. Rhet. π. 9. Here as elsewhere νεμε- σαί is used in its regular sense of 'indignation at undeserved good fortune' (Arist. Eth. π. 7. 15 ὁ νεμεσιγκός λυεῖται ἐν τοῖς ἀναζωμενοι πρότουνοι). ἂν μαθῶ... ἦν] ἂν influences not only the participle but the principal verb ἦν as well.

72. τραπεζίτης ὅν.] The participial clause is here, as often, more emphatic than the principal verb ἐκτήσατο. 'Since my father, into whose hands he came, was a banker.'
βάρου ποιήσαντας, γνώριμον δ' ἀντ' ἀνδραπόδου, τοσούτων ἄγαθών ἡγεμόνας, τούτους περιοράν ἐν ταῖς ἐσχάταις ἀπορίαις ὄντας ἔχοντα καὶ πλοῦτούντα, καὶ εἰς τοῦθ' ἥκειν ἀναδείκνυται ὡστε, ἣς παρ' ἡμᾶς τύχης 74 μετέχει, ταύτης ἡμῖν μὴ τολμᾶν μεταδοῦναι. ἀλλ' αὐτὸς μὲν οὐκ ἁκισθεὶς τὴν δέσποιναν ἤμαι, καὶ ἦτα καταχώρησεν αὐτοῦ κατέχει τόθ' ἡμίκα ἐσχῆθη, ταύτη 1124 συνοικεῖ, οὐδὲ προῖκα πέντε τάλαντα αὐτῷ γράψαι, χωρίς δ' ὄντος τῆς μητρὸς κυρίας οὗτος ἐγκρητός γέγονε πολλῶν χρημάτων (τι γὰρ αὐτὸν ὀδέσσει εἰς τὰς διαθήκας ἐγγράψαι "καὶ τάλλα, ὅσα ἐστίν, Ἀρ- "χίππη διδωμι;"); τάς δ' ἡμετέρας θυγατέρας μελλούσας δὲ ἐνδεικνύσε ἄνεκδοτος ἐνδον γηράσκειν περιορίζει· 75 καὶ εἰ μὲν πέντες οὗτος ἦν, ἥμεις δ' εὐποροῦμες ἑπτά- χάνομεν, καὶ συνεβή τι παθεῖν, οἷα πολλὰ ἐμοὶ, οἱ

73. γνώριμον.] Kennedy renders this: 'a friend instead of a slave.' γνώριμον however is a weaker word than φίλος, though it is curiously placed after it by an anti-climax in Or. 18 (de corona) § 284 εἶναι ἢ φίλος ἢ γνώ- ριμος. But in the present pas- sage, the context leads us to prefer translating it: 'a man of note instead of a mere slave.'

74. τοσούτων ἄγαθών ἡγεμόνας.] An unusual phrase; 'who had led him to, shewed him the way to, so many social and political advantages.' P.

75. καὶ πλοῦτοστα is perhaps a gloss on τῶν ἔχοντα. Cf. Soph. Aj. 157, πρὸς γὰρ τῶν ἔχονθ' ὁ φίλος ἔρχεται. P.

ἀναδείκνυται.] For the gen. of Or. 86 § 48 εἰς τοῦθ' ἥκεις μανίας.

74. καταχώρησεν.] Harpoor. Δημοσθένης ἔν τι τῷ κατά Στεφάνου α', ὅτι τῶν νεωτηρῶν οἰ δεισόται τραγήματα κατέχεον Ἀριστοφάνης Πλοῦτος δὴλοι. (Ar. Plut. 768.)

φέρεν λοίδος' εἰςω κομίσω κατα- χώρησα ματα ὀπερ ψωθησον ὕφθαλ- μοι ἐγώ). The sweetmeats, nuts, &c. were scattered over the newly-purchased slave and scrambled for by his fellow- servants. 'This was done, not on the slave's account, but for the sake of a good omen, as the Scholiast tells us.' Becker's Charicles iii. 33 (=p. 368 of Eng. abridg.). Hermann, Priv- vat. § 12, 5; St. John Hellenes iii. 27.

75. εἰ συνέβη τι παθεῖν κ.τ.λ.] § 28.

οὕτως κυρίας.] He, as the husband, has got possession of property, as κύριος (or legal possessor) of her, as she was of the said property. P.

75. εἰ συνέβη τι παθεῖν κ.τ.λ.] 'If, in the ordinary course of nature, anything had happened to me,' a common euphemism for death. See note on Or. 54. § 25.
παιδες ἰν οἱ τοῦτοι τῶν ἔμων θυγατέρων ἐδικάζοντο, οἱ τοῦ δοῦλου τῶν τοῦ δεσπότου βείοι γὰρ εἰσὶν αὐταῖς διὰ τὸ τὴν μητέρα τὴν ἔμην τοῦτον λαβεῖν ἐπειδὴ δὲ ἀτόρως ἦμεῖς ἔχομεν, τηνικαῦτα οὐ συνεκδόουσι ταύτας, ἀλλὰ λέγει καὶ λογίζεται τὸ πλῆθος ὃν ἔγω 76 χρημάτων ἔχον. καὶ γὰρ τούτῳ ἀτοπώτατον πάντων. ἦν μὲν ἀπεστέρηκεν ἡμᾶς χρημάτων, οὐδέπω καὶ τίμημας ἥθελσεν ὑποχείν τὸν λόγον, ἀλλὰ μὴ εἰσαγωγήμονος εἶναι τὰς δίκαιας παραγράφεται: ἀ δὲ τῶν πατρῴων ἐνεμάμην ἐγὼ, ταύτα λογίζεται. καὶ τοὺς μὲν ἄλλους ἀν τις ἱδι ὅς τοὺς οἰκέτας ύπὸ τῶν δεσποτῶν ἐξεταζομένοις.

Bekker. τῶν λόγων om. Σ cum Σ.

The regular word used of the suitors under such circumstances was ἐπιδικαζόtau (Or. 43 Macart. § 55 τῆς ἐπικήθου ἐπιδικαζόταθαι καὶ ἐπιδικαζόμενῳ γένει ἐν ἐγνυτάτῳ). Hence, Douter suggests 'legendum vi.'

detur ediktonto i.e. ἐπιδικαζόταθαι cum Wolsio,' a suggestion which, although since supported by the discovery of a marginal correction to that effect in the Paris ms Σ, is not perhaps absolutely necessary, as the wider general term includes the narrower special one. The reference, in any case, is to the provisions of the Athenian law, whereby, when there was no man to inherit the estate, the heirenesses were bound to be married to their nearest relatives (not in the ascending line). The next of kin brought his claim before the chief Archon, whose duty it was ἐπικήθου τῶν ἐπικήθου (Or. 43 § 75), public notice was given of the claim, and if no one appeared to dispute it, the Archon adjudged the heireness to him (ἐπικάζειν αὐτῷ τὴν ἐπικήθου).

If another claimant appeared, a court was held to decide the suit, according to the Athenian law of consanguinity. Cases even occurred in which the suitor would get his wife taken off his hands to enable him to marry such an heiress (e.g. Or. 57 § 41). If the 'heiress' was poor, and the nearest relative did not choose to marry her, he was bound to give her a marriage-portion according to his own fortune (C. R. Kennedy, Dict. Antiq. s. v. Epicerus). Or. 43 § 54 ἐν τῶν ἐπικήθου δοτὶ θητεῖς τελόν, ἄν μὴ βούληται ἔχων ἐγνυτάτῳ γένους ἐκδίδον ἐπικήθου κ.τ.λ. (Cf. K. F. Herrmann, Privatalt. § 64, notes 10 and 11, with Pollux 3.33; and see Aristoph. Vesp. 583—7.)

Theiō.] Phormio's sons being, like Apollodorus, sons of Archippus, would be 'uncles' to the daughters of their half-brother Apollodorus,—ἡμεῖς is emphatically contrasted with εἰ ἡττηθεὶς οὐδὲν ἦν (supra), [as ἦν ἐγὼ ἔχω inf. with the implied ἄν οὗ· (or ἄν αὐτὸς) ἔχετα.]

76. ἐξεταζομένους.] 'scrutinised,' 'narrowly examined,' 'called
to account,' 'taken to task,' ( § 82 ἔξορευσας δέος ἢ). Liddell and Scott refer to this passage, and explain it 'to question by the torture,' comparing Polybius 15. 27. 7 (φαινόμενος ἔσπεροι τάσιν προσέδρα βάσανος), but in view of the context it seems better to give it a general sense, though not to the exclusion of the special meaning above suggested. Besides, a reference to the passage in Polybius will show that the verb there refers not to the torture itself but to the close examination preceding the torture, which latter was only to be applied if the ἔσπερος failed. [The verb here seems used in a non-Demosthenic sense for ἀλληχο-μένους τῷ σωτῆρι, 'having their property enquired into.' Slaves, in fact, had no property: but if their masters might enquire if they had, rightly or wrongly, become possessed of anything, e.g. of means to purchase their liberty. 'To make an inventory of property' is ἔσπερος (Ar. Ecol. 729), or ἔσπερος τοιοῦτος, which is also a military term. P.]

77—80. My aspect of countenance, my quickness of walk and my loudness of talk may not, perhaps, be in my favour; they are not my fault but my misfortune; they distress other people and do me no good; and yet I can claim that I am moderate in my personal expenditure, and I thereby show that I lead a far more orderly life than Phormio and the like. Towards the state, I have performed public services in a most liberal manner, passing even beyond the requirements of the law, to express the gratitude due to Athens from one who owes his citizenship to her generous adoption of his father. Don't taunt me then, Phormio, with what is really to my credit, but prove, if you can, that I am guilty of immorality like your own. How dare you criticise another's life and character?

77. τῇ δόξῃ τῇ φόιτη κ.τ.λ.] These are datives of respect,—'in the matter of appearance,' &c. K. wrongly construes with κρίνει, 'I judge by,' &c. P.]

τῷ Τάξεως βαδίζει καὶ λαλεῖν μέγα κ.τ.λ.] See note on § 68 and cf. particularly Or. 87 (Pant.) § 59. Νίκόμονος ἐνικήθη καὶ τάξεως βαδίζει καὶ μέγα φθέγγεται καὶ βασιλείαν φοβεί, and esp. § 55 where Nicobulus says of himself ὁ ἄγιος ἐμάτειος, οὗτος ἀγνώ οὗ τὸν εὐ περικότων κατὰ ταύτα ὃν ἄνθρωπον, οὐδέ τῶν ἀντικειμένων ἐκατοστή σιλάς ἐν ὑπερμήν ἐπὶ τῶν μηδενιμομαίοι τοιῶν, λυγώ τινας, τῶς οὐκ ἀνυψώ τοι κατὰ τοῦτο τὸ μέρος; The parallel is so close that it lends some colour to the inference that the two speeches were written by the same orator, and that if Demosthenes wrote either, he probably wrote both, though, of course, imitation of Demosthenic phraseology is quite possible.
τῷ μέντοι μέτριοι—φανερῶ.] This self-omniscient assertion may be instructively compared with the passage in Or. 36 §§ 42 and 45, where the present plaintiff is charged with extravagance of expenditure and licentiousness of life.

78. τοῦτο τοιοῦτος.] Or. 53 § 18 (of Apollodorus) κατὰ ψύφωμα πολιτις (Hermann, Political Antiquities § 117).

79. έταιρείς μεμείσθωμαι.] Aesch. Timarch. § 18 τῷ παῖς... δεν ἐχμενεθη... έταιρείς. τῆς πόλεος... παρασιας ἀπεστέρηκα. νώόμος γάρ ἦν τῶν ἡταιρείων. μη πολεμεύεσθαι. Argument to Dem. Fals. Legg. p. 338. Aesch. Timarch. §§ 19 —22. (Hermann, Privatatt. § 29, 22). Or. 59 § 26. This forms the main point of the speech κατ' Ἀρδαστιώνος. See also Ar. Equit. 877.

τὸ μνήμα φικοδόμησε...ἐγκλω-κός πλέων ἢ ταλαντα δύο.] The tendency to extravagant outlay on tombs was checked at Athens by a legal enactment referred to by Cicero, Legg. ii. 26, post aliquanto propter has amplitudines sepulcrorum... lege sanctum est, ne quis sephulum faceret operosius quam quod decem homines effecerint tria. Cf. Plato, Legg. p. 989 a, ἔστω δέ νόμος οὗτος τῷ μέν ἐς τῷ μεγίστῳ τιμηματος εἰς τὴν πάσαν ταφήν ἀναλισκόμενα μὴ πλέων πέντε μνημών κ.τ.λ. Plato even suggests that the tomb or barrow (χώμα) should not take more than the work of five men for five days and that the inscription on the slab should not be more than four lines long, id. p. 958 ε. — Lysias Or. 32 § 31 εἰς τὸ μνήμα του πατρός οὐκ ἀναλώσας πέντε καλ εκείοι μνας εκ πετα...κασχίλων δραχμῶν, τὸ μὲν ἦμαν
πλησίου τοῦ τῆς δεσποινῆς, ἀνηλωκᾶς πλέον ἡ τάλαντα δύο; καὶ ὃυς ἠθάνατο ὁτι οὐχὶ τοῦ τάφου μυνήμεον ἔσται το οἰκοδόμημα τοιοῦτον ὑν, ἀλλὰ τῆς ἀδικίας ἢς δο τῶν ἄνδρα ἡδικηκέν ἔκεινη διὰ τοῦτον. εἶτα τοιαῦτα τοιῶν καὶ τηλικαύταις μαρτυρίας ἐξειπνοχώς τῆς ὑβρεως τῆς σαντοῦ συ τῶν ἄλλου τοῦ βίου ἐξετάζειν τολμᾶς; μεθ' ἠμέραν εἰ συ σώφρων, τῆν δὲ νύκτα, ἑφοις θάνατος ἡ ἐξειπνοχώς ταῦτα ποιεῖς. ποιηρὸς, ὁ ἄνδρας Ἀθηναίοις, ποιηρὸς ὄντος ἀνωθεν ἐκ τοῦ ἀνακείον καθ' αὐτῶν τίθησι τὸ δὲ τοῦτος λελά-γνωσται (cf. Becker, Charicles iii. 108 = p. 395 of Eng. Abridg.)

Ἀρχιππεῖος τοῦ τῆς δεσποινῆς. Archehippe his former master's wife. [tῆς ἀδικίας ἢ—ἡδικηκέν.]
The genitive by attraction for the cognate accusative, ἀδικεῖν τως (μεγάλην) ἄδικων. P.]

80. συ τῶν ἄλλων] strongly emphatic: 'you (of all men) presume!' &c.

μεθ' ἠμέραν...σώφρων, τὴν δὲ νύκτα...'] Or. 54 § 34 μεθ' ἠμέραν μὲν ἱκυνδρωτάκασι κ.τ.λ.

ἐφ' οἷς θάνατος ἡ ἐξειπνοχώς.] e.g. certain forms of ὑβρις (K. F. Hermann, Privatall. § 61, 20, where Lysias is quoted, τῶν ὑβρίσεων δέξαται ἔστων μὲνθανάτω ἐξειπνοχώς).

§§ 80—82. You are a rogue of old, Phormio, an arrant rogue; had you been honest, you would have remained poor. As it is, after embezlling the sums under your control, you choose to regard them as an inherited patrimony! Yet, suppose I could have clapped your present property on your shoulders and arrested you summarily as a thief caught in the act, then if you denied the theft, you would have been compelled to confess that you got it all from my father; you could not have got it elsewhere, for you were a barbarian when we bought you. And yet you ungratefully resisted a suit for the sums claimed from you on our part; you abused us, you criticised the antecedents of our family. Well, even if I am bound to think less of myself than of all the rest of my audience, I am at any rate bound to think more of myself than of Phormio; and Phormio at least, is bound to think less of himself than of me. You may make us out what you please, but you yourself were a slave all the same.

ποιηρὸς...ἀνωθεν ἐκ τοῦ ἀνακείον καθ' αὐτῶν. A knave, an arrant knave and a villain of old since he left the temple of Castor. ἀνωθεν is a maioridus, ποιηρὸς καὶ ποιηρὸν. cf. Or. 58 § 17 ποιηρὸς ἐκ τριγυσίας. Or. 44 (Leocar.) § 5 οὔτε καὶ ἐκ οἴνῳ ἐξετάζεσκα τὸ γένος τοῦ ἡμέρερων. The ἀνακείον is the temple of the Dioscuri or Ἀνακείον, as they were called (Plut. Thes. 33, Cio. Nat. Deor. iii. § 58). It was one of the places where slaves were sold; ἄνακτοροι λεπόν, οὗ νῦν ἐφ οὐκετεροφόρουσε διδυμεῖς ἐκτάσεως. (Bekker Aneod. s. v.) Haplogr. ἀνακείον ἀνάκτορον. Ἀδυσθενεῖς ἐν τῷ κατὰ Στεφάνου, λεπόν τῶν Διο- ακοῦρων. Cf. Seneca de con- stantia sapientis 13 (quoted by
δικος. σημείον δε' ει γάρ ἂν δίκαιος, πένης ἀν ἂν τά τοῦ δεσπότου διωκήσας. νῦν δὲ τοσούτων χρημάτων τὸ πλῆθος κύριος καταστάτης, ἀστε τοσαία λαθείν ἀπ' αὐτῶν κλέψας ὅσα νῦν κέκτηται, οὐκ ὄφειλεν ταῦτα,

81 ἀλλὰ πατρίδα ἐχειν ἦγεται. καὶ τοι πρὸς θεὸν, εἰ κλέπτην σε ἀπόγονον ὡς ἐπ' αὐτοφόρῳ εἰληφὼς, τὴν οὐ-1126 σίαν ἂν ἔχεις, εἰ πως αἶν τ' ἂν, ἐπιθείς σοι, εἰτά σε νέοιον, εἰ μὴ φῆς ύφηρημένος ταῦτ' ἔχειν, ἀνάγεις ὅθεν εἰληφάς, εἰς τίνα ἂν αὐτὰ ἀνήγαγες; οὐτε γάρ σοι πατήρ παρέδωκεν, οὐθ' εἴρετε, οὐτε λαβών τοθεν ἄλλοθεν ἦθες ὡς ἡμᾶς. βάρβαρος γὰρ ἔονθησις. εἰθ' ὁ δημοσία προσῆκεν ἐπὶ τοὺς εἰργασμένους τεθνάναι, σὺ, τὸ σῶμα σεσωκὼς καὶ τόλιν ἐκ τῶν ἡμετέρων σιντικτήμανον καὶ παῖδας ἄδελφοντο τοῖς σεαυτὸς δεσπόταις ἀξιωθεὶς πονησοσθαί, παρεγράψας μὴ εἰσαγόγων

82 τέρα ἐξήτατε ὡστιζ ἂν; εἴθ' οἷς τίς οὐκ ἂν, ὁ ἄνδρες Ἀθηναίων, χαλεπώς ἠνεγκεν; ἐγὼ γαρ, εἰ πάντων τῶν ἀλλων υἱῶν ἐλαττων προσῆκει μοι φρονεῖν, τοῦτον

Beels) 'non moleste seram, οἰ mihi non reddiderit nomen ali-

guis, ex his qui ad Castoris negotiantur, nequam manus

περί ταῖς tē τῶν λαμπρων,

ἄρχων τὸν ἀμαχογονίαν ἡ—ἐπ' αὐτοφόρῳ,

ἀνακομένων, 'to take

back,' so ἐκείνοις δήν (or εἰς

tοῦτον δήν) ἐληφάς.

οὕτω πατήρ παρέδωκεν, οὐθ' εἴρεται.] Or. 36 § 43, ὡδε γὰρ

Πασίων δοὺς πατήρ ἐκτησάθ' εὑρὼν

οὐδὲ τοῦ πατρὸς αὐτῷ παραδότος.

ἀρχιστάτου. Ον ἐξητασίων εἰ.

§ 70.
Τάχα τοίνυν ἂν ἦσσω καὶ τούτῳ τις αὐτῶν εἴποι, ὡς ἀδελφὸς ὁν ἐμὸς Πασικλῆς οὐδέν ἐγκαλεῖ τῶν αὐ-
τῶν τούτων πραγμάτων. ἐγὼ δ’, ὁ ἄνδρες Ἀθηναῖοι, καὶ περὶ Πασικλέους, παραιτήσαμεν καὶ δειρεῖς ὑμῶν συγγνώμην ἔχειν, εἰ προεληφθῶς εἰς τούτο ὡστε ὑπὸ τῶν ἐμαυτοῦ δούλων ὑβρισθαι, οὐ δύναμαι

*ὑβρισθαι* Z cum libris.

μέτων] sa. προσφέ: φρονεῖν, which is also understood in both
the next two clauses.

οὐ δοῦλος ἥδα.] Emphatically placed at the close of the passage.

§§ 83—84. Oh, but my bro-
ther Pasciles takes no part with
me in these claims against Phor-
mic!

As for Pasciles (craving your
forgiveness for being provoked
into uttering what I am about to
say), while I acknowledge him
as my mother’s son, yet, judging
from his taking Phormio’s side
against me, I have my fears that
his father was another. Say no
more, then, of Pasciles! call him
your son, Phormio, and not
your master; my opponent (as
he is bent upon it)—not my bro-
ther.

83. τούτῳ. Depending on ἐγκαλεῖ, not on τῶν αὐτῶν.

ὑβρισθαι.] The mas have ὑβρισθαι, which makes it neces-
sary to take ὡστε with οὐ δύναμαι
κατασχέιν and at first sight leaves el without a verb. To
remove the supposed difficulty, Dobree reads ὑβρισθαι, placing παραιτήσαμεν—κατασχέιν in a
parenthesis. The infin. is also
approved by G. H. Schafer and
accepted by Dindorf. But the
emendation is at once unneces-
sary and inadequate, and we
prefer accepting the arrange-
ment suggested by Shillito,
who has been the first to ex-
plain the ms reading correctly.

'Schaef er ὑβρισθαι frustra ten-
tat. Interpunctionis eg eb at
locus, non conjecturae.' The
passage should run as follows:

ἐγὼ δ’ ὁ ἄνδρες Ἀθηναῖοι καὶ
περὶ Πασικλέους, (παραιτήσαμεν καὶ δειρεῖς υμῶν συγγνώμην ἔχειν, εἰ, προεληφθῶς εἰς τούτο ὡστε
ὑπὸ τῶν ἐμαυτοῦ δούλων ὑβρισθεῖν οὐ δύναμαι κατασχεῖν, ἀ τέως οὐδὲ τῶν ἄλλων λεγόντων ἀκούειν ἑδόκουν ἐρώ καὶ οὐ σωμπνόμας) ἐγὼ γὰρ ἔτη... ῥομύω. 'γὰρ post
parenthesin sacre fraudi fuit
criticis' (Fals. Leg. § 107 not.
crit.).

[The passage is slightly ἀν-
κόλονθος, but it can hardly be
doubted that we must construe
προεληφθῶς εἰς τούτο ὡστε—
ὑβρισθεῖν οὐ δύναμαι κατασχεῖν,
‘having reached such a point
that—I am unable to restrain
(my feelings),’ and συγγνώμην
ἔχειν (ἐμοῖ) εἰ — ἐρώ καὶ οὐ
σωμπνόμαι. The ἐγὼ δ’ at
the beginning is resumed at ἐγὼ
κατασχέω, ἃ τέως οὔδὲ τῶν ἅλλων λεγόντων ἄκοινεν
84 ἔδοκοιν, ἐρῶ καὶ οὐ σιωπήσομαι. ἐγώ γὰρ ὀμομύτριον
μὲν ἄδελφον ἐμαυτοῦ Πασικλέα νομίζω, ὀμοπάτριον
δὲ οὐκ ὁδιὰ, δεδοικα μέντοι μὴ τῶν Φορμίωνος ὁμάρ-1127
τημάτων εἰς ἡμᾶς ἀρχὴ Πασικλῆς γ. ὅταν γὰρ τῷ δώ-
λῳ συνική τῶν ἄδελφῶν ἀτίμων, καὶ παραπεπτωκῶς
θαυμάξῃ τούτων ὑφ' ὧν αὐτῷ θαυμάξεσθαι προσίκε, τίν' ἔχει δικαίαν ταῦθ' ὑποψίαν; ἄνελε οὖν ἐκ μέσου
μοι Πασικλέα, καὶ σὺς μὲν νίος αὐτὶ δεσπότου καλεῖ-
σθω, ἐμὸς δὲ ἄντιδικος (βούλεται γὰρ) ἀντ' ἄδελφου.
85 Ἐγώ δὲ τούτῳ μὲν χαίρειν λέγω, οὖς δ' ὁ πατήρ
μοι παρέδωκε βοήθειος καὶ φίλους, εἰς τούτους ἦκο,
εἰς ἡμᾶς, ὡς ἄνδρες δικασταί. καὶ δέομαι καὶ ἄντιβολο
καὶ ἱκετεύω, μὴ ἐπεριδήτε με καὶ τὰς θυγατέρας δι' ἐνδειαν
tοὺς ἐμαυτοῦ δουλοὺς καὶ τοῖς τούτοι κόλαξιν

γὰρ ὀμομύτριον. There is no great difficulty in the passage; certainly it is not made clearer by any proposed alteration. He was going to say ἐγώ καὶ περὶ Πασικλέους—ἔρω, but he lost himself, as it were, in the maze of the intervening clauses. P.]
84. παραπεπτωκῶς.] "Court-
ing," "flattering." As this verb does not seem to occur elsewhere in this sense (which indeed is not noticed in Liddell & Scott) H. Wolf and Dobree would prefer ὑποστεπτωκῶς as in §§ 63, 65; but the text is supported by the ms and by Harpocra-
tion, who says: ἀντὶ τοῦ ὑπο-
πεπτωκῶς. Δημοσθένης ἐν τῷ κατὰ Στεφάνου.—παραπεπτωκῶς implies subservience of a less abject and cringing form than ὑποστεπτωκῶς, which would be too strong a word for this con-
text. "ὑποπίπτειν est ad pedes alicuius, παραπίπτειν ad latus alicuius succumbere" (Lortzing, Apoll., p. 90).

Πασικλέα.] The silence of Pasicles is a point brought against Apoll. in Or. 36 § 22. The insinuation in the text seems quite gratuitous, and its indelicacy forms a singular con-
trast to the plaintiff's affectionate reserve in referring to his mother in the earlier part of the speech (§ 3 and § 27).

§ 85. Farewell, then, to my so-called brother; while I turn to my true friends, the jury, and appeal to them not to allow me to be laughed to scorn by my own servants and by those who cringe to them, like Stephanus.—My father was a great benefactor to the state, and it would hardly be creditable to yourselves that his son should suffer wrong.

85. δέομαι...ἄντιβολω...ἰκε-
tεύω.] Cf. § 1.

τοῖς τούτοι κόλαξι] i.e. Ste-
phanus and his friends (not ex-
cluding Pasicles).
Πολλά δ' ἔχων εἰπεῖν περὶ δὲν ὑβρισμαί, οὐχ ἰκα-

[Content continues in Greek, translated and annotated in English]

86 ἐπίχαρτον. Thuc. iii. 67. 'Demosth. non dixit.' (Lortzi-}

[Content continues in Greek, translated and annotated in English]
νὸν ἐν τῷ ὅμωρ ὁρῶ μοι. ὡς ὦν μᾶλιστα ἂν ἀπαντᾶς ὑμᾶς ἠγούμαι γνώναι τὴν ὑπερβολὴν ὡς ἴδικήμεθα ἡμεῖς, φράσω εἰ σκέψαιτο πρὸς Ἐαυτὸν ἐκαστός ὑμῶν τῶν οἴκων κατέληπτεν οἰκήτην, εἰδ' ὑπὸ τοῦτον πεπονθόθα Ἐαυτὸν θεία ταῦθ' ἀπερ ἡμεῖς υπὸ τοῦτον. μὴ γὰρ εἰ Σύρος ἡ Μάνης ἡ τις ἐκαστός ἐκεῖνων, οὕτως δὲ Φορμίων ἀλλὰ τὸ πράγμα τὸ αὐτὸ δοῦλοι μὲν ἐκεῖνοι δοῦλος δ' οὕτως ἢν, δεσπόται δ' ὑμεῖς, δεσπότης

87 δ' ἦν ἕγω. ἢν τοῖνοι ὑμῶν ἂν ἐκαστὸς δίκην ἄξιον ἑλθεῖν λαβεῖν, ταῦτα νομίζετε καμοί προσήκειν νῦν καὶ τὸν ἀφηρημένον τῷ μαρτυρῆσαι τὰ ψευδή καὶ υπὲρ τῶν νόμων καὶ υπὲρ τῶν ὁρκῶν, οὐς ὀμοιοκότας δικάζετε, τιμωρήσασθε καὶ β' παράδειγμα ποιήσατε τοῖς ἄλλοις, μνημονεύοντες πάντα ὅσα ἀκηκοάτε ὑμῶν, καὶ φυλάττοντες, εἳ παράγειν ἐπιχειρῶσιν ὑμᾶς, καὶ πρὸς ἐκαστὸν ἀπαντώντες, εἴναι μη φασών ἀπαντα μεμαρτυρηκέναι, "τῷ οὐν ἐν τῷ γραμματεῖῳ γέγραπται; τῷ οὐν

b Bekker (Berlin ed.) om. Z et Bekker (st. Leipsig ed.)

cum FΣΦ.

has gone so far as to attest to the terms of the will, which are deposed to by the other witnesses (viz. by Stephanus and his friends). If they appeal to your compassion, remember that the victim of a wrong deserves more pity than those who are doomed to be punished; and that if you inflict that punishment, you will grant redress to myself, you will restrain my opponents from their abject adulation, and you will be giving a verdict which will be true to your solemn oath.

οὐς ἰκανὸν τῷ ὅμωρ. Cf. note on Or. 54 § 36.

μὴ γὰρ...[,] so. σκέψαται, understood from σκέψαται in the previous sentence.

Σύρος ἡ Μάνης.] Both common slave-names. Strabo vii.

p. 467 εἴ ὀν γὰρ ἐκοιμητοῦ ἡ τοῖς ἐθεσαν ἐκεῖνοι διωμόμουσιν ἐκάλουν τοῖς οἰκήσας ὡς Δυὸν καὶ Σύρον, ἡ τοῖς ἐπιτολαύσαντι ἐκεῖ ὀφάμα προσηγόρευον, ὡς Μάνην (cf. Or. 53 § 20) ἡ Μίδαν τὸν Φύγα, Τίθων δὲ τὸν Παυλαγώνα (K. F. Hermann, Privatalt. § 13, 16).

[Ar. Rac. 1146, τὸν το Μάνην ἡ Σύρα βιωτρήσατ' τ' τοῦ χωρίου. P.]

87. τὸν ἀφηρημένον.] Him (i.e. Stephanus) who by false testimony has robbed me of it (i.e. of my right to a verdict, τὸ δίκην λαβεῖν).

μνημονεύοντες ... φυλάττοντες.] Or. 36 § 61.

τὶ οὐν...γέγραπται.] Cf. § 45. ἀπελεύθην § 44. ἡ ἀντιγραφῇ § 46.
"οὐ τότε ἀπηλείφου; τις ἡ παρὰ τοῖς ἄρχονσιν ἀντι-
88 "γραφή;" εὖν μεμαρτυρηκέναι τὸν μὲν ἐπιτροπευθή-
ναι κατὰ διαθήκας, τὸν δ’ ἐπιτροπεύσαι, τὸν δ’ ἔχειν,
ποίας; εὖ αἰς τῇ γέγραπταί; ταῦτ’ ἐρωτάτε ἀ γὰρ
οὗτοι μεμαρτυρήκασιν, οὕτως ἐκεῖνοι προσμεμαρτύ-
ρηκεν. ἐδώ δ’ ὀδύρωντα, τὸν πεπουθότα ἔλευσότερον
τῶν δωσότων δίκην ἠγείρθη. ταῦτα γὰρ ἀν ποιήτε,
ἐμοὶ τε βοηθήσετε, καὶ τούτους τῆς δ’ ἀγαν κολακείας
ἐπισχέσθητε, καὶ αὐτοὶ τὰ εὐφορκά ἔσεσθε ἐψηφισμένοι.

ο’ Bekker. τάς Z cum FΣΦ.

88. τὸν μὲν ἐπιτροπευθήραι
κ.τ.λ.] §§ 37, 38.
τὸν δ’ ἔχειν.] ‘Has the docu-
ment in his custody,’ i.e. the
γραμματείου inscribed διαθήκη
Πασίλων § 18, δ’ μὲν γραμματείου
ἔχειν ἐφ’ ὧ γεγράφθαι διαθήκη
Πασίλων,
ἀ γὰρ.] None of the witnesses
 corroborate one another; one
group depose to one series of
isolated facts, another to
another.—οὗτοι, Stephanus and
his supporters.—ἐκείνων, Pası-
cles and Nicocles.
ἐδώ δ’ ὀδύρωντα.] Alluding to
the pathetic appeals of the
peroration. Cf. the miserabiles
epilogi of Cicero and the ἐλέους
ἐκβολή of the Greek Rhetoricians
(Volkmann, die Rhetorik der
Griechen und Römer § 27).
εὐφορκά κ.τ.λ.] So in the
former speech on the other
side; Or. 36 § 61 αὐτοὶ εὐφορκη-
σετε.
XLVI.

KATA STEPHANOY
YEYDOMARTYRIWON B.

ΤΠΟΘΕΣΙΣ.

[Ἐν τούτῳ τῷ λόγῳ καὶ τῶν φθασάντων τινά ἐπι-
κατασκευάζεται, καὶ έτερα προσεισάγεται, εἰ καὶ *πα-
ράνομοι αἱ διαθήκαι.]

* 'immo ὦι καὶ vel 6οι καὶ. al Bekkerus addidit' Z.

1 "Οτι μὲν οὐκ ἀπορήσειν ἐμελλε Στέφανος σύνιοι
δὲ τὸ ἀπολογισμένον περὶ τῆς μαρτυρίας, παράγων τῷ
λόγῳ, ὡς οὐ πάντα μεμαρτύρηκε τὰ ἐν τῷ γραμματεῖῳ
γεγραμμένα, καὶ ἔξαπατῶν ὑμᾶς, καὶ αὐτὸς σχεδὸν τα
ὑπενόουν, ὃ ἀνδρεῖς δικασταί πανούργος τε γόρ ἐστι

Argument. τῶν φθασάντων
tinē ἐπικατασκευαζέται.] 'The
speaker establishes afresh some
of the points of his former
speech.' φθασμος in this sense
is common in late Greek, e.g.
Argument to Or. 4 (Philippio)
to φθασμι (λόγοι), and Aelian
Var. Hist. i. 84 τα φθασματα,
'the matters before-mentioned.'
ἐπικατασκευαζεσω (according to
Sophocles' Lex. of late Greek)
is found in Dio Cassius 50. 23.
3 ('to construct on') and Euse-
bios ii. 557 \* ('to prepare
after'). It is here perhaps mid-
dle, and not passive.—προσ-
άω is found in Diogenes Laer-
tius 9. 88 (quoted by Liddell
and Scott, who take it as middle
in the present passage).—al
diathēkai. The Kerrich ms like
the rest, omits the article.

§§ 1—3. Stephanus has made
a long reply to my former
speech, and, as I suspected, has
had a good deal to say in defence
of his evidence. A cunning rogue
himself, and well primed by
Phormio's numerous advisers,
he has attempted to mislead you
into the notion that he is not
responsible for all the details of
his deposition. He has not
brought a single witness to prove,
either (1) that he was present
when my father made the alleged
will, or (2) that he ever saw it
opened after my father's death;
and yet he has actually deposed
that the copy set forth in his
deposition is a transcript of the
'will.' By so doing he is pal-
pably convicted of having given
false testimony.

1. παράγων—ὑπενόου.] Apol-
lodorus had already, in his
former speech, thrown out his
καὶ οἱ γράφοντες καὶ οἱ συμβουλεύοντες ὑπὲρ Φορμύωνος πολλοὶ. ἀμα τ' εἰκὸς ἦστι τοῦ ἐγχειροῦντας τὰ ψευδή μαρτυρεῖν καὶ τὴν ἀπολογίαν εὐθέως ὑπὲρ αὐτῶν μελετῶν. ὡς δὲ ἐν τοσοῦτῷ λόγῳ οὐδαμοῦ μάρτυρας παρέσχετο ὑμῖν ὡς ἡ διατιθέμενῳ τῷ πατρί ὁμοιοπαθῶς τοῦ πατρὸς τῆς μου ἀντίγραφα ἐστὶν ὅν ὁ πατὴρ μου διέβας, ὡς ἀνοιχθεὶς εἰδέ τὸ γραμματεῖον οὐ φασί διατιθέμενων ἐκείνων καταλυπεῖν, ταῦτα συμμεμείνησθε μοι.

3 ἄλλα μὴν ὅποτε μεμαρτύρηκεν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος τά ἐν τῷ γραμματαέργῳ γεγραμμένα, τοῖς δὲ διαθήκασι μὴ ἔχειν ἐπιδεῖξαι μήθ᾽ ὅσον ὁ πατὴρ διέβας ἡμῶν, μήθ᾽ ὡς αὐτὸς εἰδέ παραγενόμενος

b Z et Bekker (at. Leipsig ed.) cum G. H. Schaefer.

ἐκείνων Bekker (Berlin ed.) cum libris.

suspicions that Stephanus would have recourse to this line of defence. See Or. 45 §§ 44 and 87.

ὁ γράφοντες...ὑπὲρ Φορμύωνος.] e.g. Demosthenes himself.

τὴν ἀπολογίαν...μελετῶν.] 'prepare their defence,' μελετῶν, like meditari, with which it is etymologically connected, is often used of 'rehearsing a part,' 'conning over a task,' 'practising for a performance.'

2. μάρτυρας...ὡς...παρεγέρσετο.] The plaintiff objects that Stephanus could not attest to a document being a copy of Pasion’s ‘will,’ as he calls no evidence to prove he was present when the will was made (cf. Or. 46 § 26). But even supposing he had been present, it would not follow that he was familiar with the terms, as even the witnesses to a will would not necessarily know its contents, or be able to attest to its correspondence with any document purporting to be a copy of the same. Cf. Ioseus Or. 4 (Nicostratus) § 13 τῶν διατιθεμένων οἱ πολλοὶ οὐδὲ λέγουσι τῶν παραγινόμενως δὲ τὶ διατίθενται, ὅλλον αὐτὸν μόνον, τοῦ καταλυκτῶν διαθήκας, μάρτυρας παρέσκεψαι, τοῦ δὲ συμβαίνοντος έστιν καὶ γραμματείον ἀλλαγήναι καὶ τάναντα ταύτως τοῦ συνεδρίως διαθέκης μεταγράφηναι. οὐδὲν γὰρ μᾶλλον οἱ μάρτυρες εἴσονταί εἰ ἐφ' αὑτοῖς ἐκλήθησαν διαθήκης, αὕτᾳ ἀποφαίνονται. (Becker, Charicles, Scene ix. note 18.)

The inelegance of the triple repetition διατιθεμένως...διέβας...διαθέμενον is perhaps open to criticism. (A. Schaefer, Dem. u. c. Zeit, II. 2. 187.)

ἐκείνων] not αὐτῶν, either because it refers to a person deceased, or to distinguish τῶν πατέρων from the subject of the sentence, Στέφανος, B.] συμμείνωσθε.] A verb apparently never used elsewhere, except in late Greek.

3. ὅποτε.] See the note on Or. 34 § 33 and cf. inf. § 9 ad fin.
§§ 4—7.
aутаіς διατίθεμένου τοῦ πατρός, πῶς οὐ περιφανῶς οὕτος ἔξελέγχεται τὰ ψευδή μεμαρτυρηκώς;

4. Εἰ τοῖνυν πρόκλησιν φησιν ἐίναι καὶ μὴ μαρτυρίαν, οὐκ ἄλληθ' λέγει· ἀπαντα γὰρ δοσα παρέχονται εἰς τὸ δικαστήριον προκαλούμενοι ἄλλως οἱ ἀντίδοκοι, 1130 διὰ μαρτυρίας παρέχονται. οὐ γὰρ ἂν εἰδεισθ' ὑμεῖς εἰτ' ἐστὶν ἄλληθ' ἐνε ψευδήν ἀ φασιν ἐκάτεροι, εἰ μὴ τις καὶ τοὺς μάρτυρας παρέχοντο. ὅταν δὲ παράσχεται, τούτοις πιστεύοντες ὑποδίκως οὐσί ψηφίζεσθε ἐκ τῶν λεγομένων καὶ μαρτυρουμένων ἃ ἀν ὑμῖν δοκῇ δίκαια 5 ἐίναι. ἐβούλομαι τοῖνυν καὶ τὴν μαρτυρίαν ἔξελέγχξαι, ὅτι οὐ πρόκλησις ἐστιν καὶ ὡς ἔδει μαρτυρεῖν αὐτούς, εἰπερ ἐγὼ ἔγνυντο ἣ πρόκλησις, οὐκ ἄλληθ' ἐγώ ἐγνυντο. μαρτυροὺσι παρεῖναι πρὸς τῷ διαστητῇ Τισία, ὡς προῦκαλεῖτο Φορμίων Ἀπολλόδορον ἀνοίγειν τὸ γραμματεῖον, ὃ παρεῖχεν Ἀμφίας ὁ Κηφισοφώτος κηδεστῆς, Ἀπολλόδορον δ' οὐκ ἔθελεν ἀνοίγειν. οὐτό μὲν ἂν μαρτυροῦντες ἔδοκον ἄλληθ' μαρτυρεῖν ἀντίγραφα δὲ τῶν διαθηκῶν τῶν Πασίων μαρτυρεῖν ἐίναι τὰ ἐν τῷ γραμματεῖον ἂ παρείχετο Φορμίων, μὴ τε παραγενομένους ἐκεῖνω διατίθεμένῳ, μὴ τ' εἰδώτας εἰ δεῖθετο, τῶς οὐ περιφανῶς ἀνασχυννία δοκεῖ ὑμῖν ἐίναι;

* Bekker cum libris.
§§ 4—5. If my opponent urges that he is responsible for a Challenge only and not for a deposition, then he is not speaking the truth. Every Challenge necessarily involves a deposition, and I shall show that he has deposed to something more than a mere Challenge, and I shall also criticize the terms of his deposition.

4. πρόκλησιν...μὴ μαρτυρίαν.] Or. 45 § 48 προκλήσεις ύπτιν ὑπεθούνοι, οὐχ μαρτυριας. Stephanus disclaims responsibility for the deposition, but the plaintiff on his part insists that the deposition is inseparable from the Challenge, as no Challenge could be put in evidence at a trial unless attested by the deposition of a responsible witness.

5. περιφανῶς ἀνασχυννία.] 'Malim περιφανῶς ἀνασχυννίας,' Dobree. For perifanw cf. § 3 ; the corresponding substantive περιφάνεια has occurred in Or. 45 § 2.
6 Ἀλλὰ μὴν εἰ φησὶν Φορμίωνος λέγοντος πιστεύειν ταῦτα ἀληθῶς εἶναι, τοῦ αὐτοῦ ἀνδρὸς ἑστὶ πιστεύειν ταῦτα τούτῳ ταῦτα καὶ κελεύοντι μαρτυρεῖν. οἱ δὲ γε νόμοι οὐ ταῦτα λέγοντι, ἀλλὰ ἕνεκ' ὧν καὶ οἷς ἂν παραγένηται πραπτομένους, ταῦτα μαρτυρεῖν κελεύουσιν ἐν γραμματείῳ γεγραμμένα, ὡς μὴν ἀφελεῖν ἐξή μηδὲν μήτε προσθέναι τοῖς γεγραμμένοις. 7 ἀκοῦν δὲ οὐκ ἔστιν ξῶντος μαρτυρεῖν, ἀλλὰ τεθνεώτος, τῶν δὲ ἀδύνατον καὶ ὑπερορίαν ἐκμαρτυρίαν γεγραμμένην ἐν τῷ γραμματείῳ καὶ ἀπὸ τῆς αὐτῆς ἐπισκήψεως τῆς τε μαρτυρίαν καὶ ἐκμαρτυρίαν ἄρων ἰδιεσθαι 1131.

† d av Bekker. ‡ Z cum Bekker (ad Or. 1 § 8). § 115

§§ 6—8. If Phormio's assertion was the defendant's only reason for depositing to the document being a copy of Pasion's will, then he has been guilty of giving hearsay evidence which is false and which he has given in a manner contrary to the law. 7. ἀκοψί̣...μαρτυρείον] to give hearsay evidence. Isaen Or. 6 (Philoctemon) § 54 οἷς μὴ παρεγένετο, ἀλλ' ἣκουσέτι, ἀκοψί̣ μαρτυρείον. Dom. Or. 57 § 4. τῶν ἀδυνάτων καὶ ὑπερορίων ἐκμαρτυρίας. The witness, whether he had been present at the preliminary examination or not, was compelled to attend at the trial itself to confirm his evidence, unless he was either ill or abroad, in which case his evidence might be taken by a commission. Isaen Or. 3 (Pyrrhus) §§ 20—27, esp. § 20 ἂν τῶν σαθενοῦντων ἡ ἀκοὴ δημητρίων μελλόντως διὰ τὰς ἐκμαρτυρίας πολλῆς... Harpocration, ἐκμαρτυρία διάφημε τῆς μαρτυρίας, ὥστε ἡ μὴν μαρτυριάτων παράβανεν, ἡ δ' ἐκμαρτυρία τῶν ἀπότων. σα- φεστάτα δε περὶ τούτων διδάσκουν Δημοσθένης τε ἐν τῷ κατά Στε- φάνου καὶ Δεμαρχος.}

ἀδὲ τῆς αὐτῆς ἐπισκήψεως.

The laws enact that the evidence of the absent witness shall come before the court under the same impeachment as that of the witnesses attesting the same, in order that, if the absent witness acknowledge his evidence, he may be liable to a trial for false testimony, and if he disown it, then the attesting witnesses. For εἰκασίης, the process of bringing an action for false witness, cf. Arist. Pol. ii. 12, 11 Ἰανωβοῦν ἠθον οὐδέν ἐστιν πλὴν αὐτῆς τῶν ψευδομαρτυρῶν, πρῶτος γὰρ ἐπολ- λῆς τῆς εἰκασίης. Or. 47 §§ 1 and δ' Θεοφήμου αὐτοῦ ὡς τῷ μεμαρτυρηκέναις οὐκ ἐπεσκίνα- τον ὡς ἐπεξεργάσεται τῶν ψευδο- μαρτυρίων. Or. 29 §§ 7, 41 and Or. 84 § 49 note.
ομα, ισ' έδω μην αναδέχχηται ο έκμαρτυρήσας, έκείνοις ὑπόδικος ή τῶν ψευδομαρτυριῶν, εάν δὲ μην ἀναδέχχη-
ται, οἱ μαρτυρήσαντες τὴν έκμαρτυρίαν. Στέφανος
tοῖν νόμοι, εἰσ' εἰδώς διαθήκας καταλαμάντα τῶν
πατέρα ἡμῶν, οὐτε παραγενόμενος πῶτοτε διατιθέ-
μένο τῷ πατρὶ ἡμῶν, ἀκούσας δὲ Φορμίωνος, με-
μαρτύρηκεν ἀκοὴ τά ψευδή τε καὶ παρὰ τῶν νόμων.
καὶ ταῦτ' ὅτι ἄληθή λέγω, αὐτὸν ύμῖν τῶν νόμων ἀνα-
γνώστεται.

ΝΟΜΟΣ.

["Ἀκοὴν εἶναι μαρτυρεῖν τεθνεῶτος, ἐκμαρτυριὰν δὲ
ὑπεροπλαν καὶ ἀδυνάτων."

9 Ὡς τοῖν νόμον καὶ παρ' ἔτερον νόμον μεμαρτύρηκεν
ἐπιδείξας ύμῖν βούλωμα, ἵνα εἰδῆτε ὅτι μεγάλων ἀδι-
κημάτων ὑπὲρ ἔχων καταφυγήν ὁ Φορμίων, πρόφασιν

Σ et Bekker (st. Leipsig ed.) cum Reiskio. ἐκμαρτυ-
ρήσαντες Bekker (Berlin ed.) cum libris.

ἐδω μην ἀναδέχχητα.] 'if he does not acknowledge it' e.g. on the
ground of its being forged or
incorrectly copied. Isaeus Or.
3 §§ 23, 24 tells us 'it was usual
to select persons of good char-
acter to receive such evidence
and to have as many of them as
possible.' (C. R. Kennedy in
Dict. Ant. s. v. ἐκμαρτυρία.) Cf.
Schol. on Aeschin. Fals. Leg.
§ 19 el ἐπεξελθὼν ἐκεῖνος (sc. οἱ
ἐκμαρτυρήσας) εἰπεν, ὅτι οὐδὲν
ἐπον ἐπον, ἐκλυβότο εὖτοι (sc. οἱ μαρ-
τυρήσαντες) οὐ συνοφάντα.

§§ 9—10. The defendant has
also given evidence contrary to
another law. Under cover of
the testimony of the defendant
and his friends, Phormio has
virtually given evidence in his
own cause, which is illegal; and
the law declares that a suit for
false testimony shall be main-
tainable against a person on the
ground of his having given evi-
dence contrary to the law.

9. πρόφασιν λαβών τὴν πρα-
κλησιν.] In Or. 45 § 19 (which
should be compared with the
whole of the present sentence)
this Challenge is denounced as
α παραπέτασμα. So below, προ-
στημένον τοῦτον 'putting these
men forward as an excuse.' For
the favourite antithesis between
λόγος and ἔργον cf. Thucydides
passim. The historian possibly
cought this mannerism from
his master Antonphon (Or. 5 § 5
οὗ γάρ δικαιον οὔτε ἔργῳ ἀμαρ-
τότατα διὰ ρήματα σωθήναι οὔτε
ἔργῳ ὀρθῷ πράξατα διὰ ρήματα
ἀπολύεσθαι τῷ μὲν γὰρ ρήμα τῆς
γλώσσης ἀμαρτημάτως ἄρετο τῷ ἔργῳ
tῆς γνώμης. Cf. ib. § 84
and Or. 6 § 47 οἷον μὲν ἄλλοι
ἄθρωτοι τοῖς ἔργοις τοῖς λόγοις
ΝΟΜΟΣ.

[Τούν αντιδίκους ἐπάναγκες εἶναι ἀποκρύνασθαι ἀλλήλους τὸ ἐρωτόμενον, μαρτυρεῖν δὲ μὴ.

Σκέψασθε τούν τούτω τὸν νόμον, ὃς κελεύει ὑποδίκους εἶναι τῶν ψευδομαρτυριῶν καὶ κατ' αὐτὸ 1132
tοῦτο, ἵτι μαρτυρεῖ παρὰ τὸν νόμον.
XLVI. KATA STEFANOT [§§ 11, 12.

NOMOS.

["Εστώ δὲ καὶ ύπόδικος τῶν ψευδομαρτυρίων ὁ
μαρτυρήσας αὐτοῦ τοῦτον, ὅτι μαρτυρεῖ παρὰ τὸν
νόμον· καὶ ὁ προσβαλόμενος κατὰ ταύτατ.]

II

"Ετι τούνων κἂν ἀπὸ τοῦ ὑγραμματείου γνωὶ τις,
ἐν φ’ ἡ μαρτυρία γέγραπται, ὅτι τὰ ψευδὴ μεμαρτύρη-
κεν. λευκυκωμένοι τε γὰρ ἐστὶ καὶ οἴκοθεν κατεσκευα-
καὶ ἐμμὸ δὲ αὐτοῦ τοῦτον τε αὐτὸς τοῦτον." Z.

Bekker cum Beiskio.

αὐτοῦ τοῦτον = καὶ αὐτὸ τοῦ-
to above.

ὁ προσβαλόμενος κατὰ ταύτατ.] The person who produced the
false witness, προβάλλειν or προούσιον, was liable to what
was called a δίκη κακοτεχνίων for conspiring to defeat the ends
of justice. Or. 47 § 1 τὸν προ-
βαλόμενον ύπόδικον ἐχεὶ τῶν κακο-
tεχνίων.

§ 11. That the defendant's
evidence is false may be con-
ccluded from the material
on which it is written.

λευκυκωμένοι καὶ οἴκοθεν κατ-
εσκευασμένοι.] The plaintiff
curiously argues the falsehood of
the defendant's deposition from
the nature of the material
on which it is inscribed.
The document, he points out, is
"whitened, and must have been
brought from home purposely
prepared." This would have
been proper enough for a de-
position attesting to the facts of
the past, in which case there is
time to draw up an elaborate
document, whereas a deposition
purporting to attest a Challenge
(evidence to which might be
given by any duly qualified per-
son even accidentally present)
would naturally be rapidly writ-
ten on the spot ἐν μάλθῃ, i.e. on
a waxen tablet, which would
allow of any addition or erasure
being made at the request of the
witnesses before they attested
it. "The difference between
these methods," as C. R. Ken-
nedy remarks, "was much the
same as between writing with
a pen on paper and with a pencil
on a slate." (Dict. Ant. s.v.
μαρτυρία.) For λευκυκωμένον cf.
Dem. Or. 24 (Timoc.) § 28
Lex. ὁ τίβεις τῶν κανόνων νόμων,
ἀναγράφας εἰς λευκωμα, ἐκτι-
θέτω πρὸς τῶν ἑπωνυμῶν. Bek-
ker's Anecd. (Lέιες ήτορικα) p.
277 λευκωμά ἐστι πινακίδα γῆς
ἀληθικήν, πρὸς γραφήν διὰ
τικών γραμμάτων ἐκτίθεον. (We
may compare the Roman album
and contrast the black boards
of our class-rooms.) For ἐν
μᾶλθῃ ib. p. 278. μᾶλθῃ με-
μαλαγμένοι κρίσις ἢ ἄλλο τι
τιμοῦ-
tον, τὰ γὰρ γραμματεῖα πρᾶττεται.
Pollux: δ ἐν ἑνόν τῇ πυκνάδι
(sc. καλετέᾳ) κρίσις ἢ μᾶλθῃ ἢ
μᾶλθα. "Γρότοις μὲν γὰρ κρίνει
ἐρημηκαί, Κρατίνος δὲ ἐν τῇ Πυκνί
μᾶλθῃ ἂν ἐν, Ἀριστοφάνης δὲ ἐν
τῇ Γρηγορία τὴν μάλαν ἐκ τῶν
γραμμάτων θετήσαι." Harpocr.
μᾶλθῃ τὸ μεμαλαγμένος κρίσις Λη-
μοσθένης ἐν τῷ κατὰ Στεφάνου.
Ἰππώνας, ἄτει οἰκία μᾶλθῃ τῷ πρό-
τῳ παραχρισάται καὶ similarly
Hesychius and Suidas. (Becker's
Charicles, Scene 19, note 12 and

οἴκοθεν κατασκευασμένοι] is a
ασμένον. καὶ τούς μὲν τὰ πεπραγμένα μαρτυροῦν
tας προσήκεις οὐκ ὄσιθαν τὸς μαρτυρίας κατεσκευασμένας
μαρτυρεῖν, τοὺς δὲ ταῦτα προκήλοις μαρτυροῦντας τοὺς
ἀπὸ ταῦτα μάταια προστάγοντας ἐν τῇ μαρτυρίᾳ, ἢ ἂν
ἀποκαθίσαης ἐπὶ αὐτὰ ἐξελέγχεται τὰ

κ k cum Reiske.

και ἐν Bekker.

τοῖς...βούλησθ' ζ cum libris. ‘malim ἐβουλήθ' vel βουλήσαθ'’

Σαπρος.

ἐν Ἡ. Wolf.

ἐν Z.

‘pregnant’ expression, equiva-

λent in sense to ὅσιθα 

κατεσκευασμένον καὶ οὐκ ὄσιθαν 

ἀπεργομένον. Similarly below, where 

Reiske unnecessarily proposes 

ὀσιθαὶ ἐν ὑπογραμμα 

τὰς μα-

τυρίας κατεσκευασμένας μαρτυρεῖν. 

For the general drift of the 

argument and its imputation of 

deliberate design cf. Cic. Phil. 

ii. § 85 unde diadema non enim 

abiectum sustuleras, sed attul-

lers domo meditatum et cogi-

tatum seclus.

τοῖς προτεταγμένοις.] These words 

are rather obscure. Kennedy 

renders προτεταγμένοι as equivalent 

to προτεταγμένοι. Rather, perhaps, 

‘who stand forward voluntari-

ly.’ P.

ἐν βουλήσθ.] The vulgata 

lectio used to be εἰ, altered by 

G. H. Schaefer into ἐν to avoid 

the anomaly of εἰ with the 

subjunctive, a construction de-

scribed as ‘poetical’ in Bekker’s 

Anecdota (p. 144); see, how-

ever, the commentators on Thuc.

vr. 21. 1 εἰ ἡμῶν ἡμᾶς, Hermann’s 

Opuscula i. 280 and Kühner’s 

Gk. Gr. § 46, 11 p. 904. Isaacus 

Or. 11 (Hagiasis) § 12 has μη

εἰ καὶ τετελευτηκότες δῶμεν and in 

Dem. Or. 24 §§ 79 and 93 we

have the ordinary indicative 

followed by the anomalous sub-

junctive, εἰ τινὲς...προστεταγμέ

...τὸ λοιπὸν προστεταγμέν

where-

as in § 207 we find the regular 

construction εἰ τινὲς προστετα-

γας δομον καὶ τὸ λοιπὸν τινὶ 

προστετήσῃς.

§§ 12—17. Further, my father 

made no will at all, nor do the 

laws allow it, laws which bind 

every citizen of Athens without 

exception. It was not until ten 

years after my father’s death 

that Phormio obtained the citi-

zenship; not foreseeing this, how 

could my father have insulted 

our family, cast contempt on 

your bounty and disregarded the 

laws by giving his own wife 

in marriage to Phormio, and 

that by a will which he was 

legally incompetent to make? The 

law forbids a man’s making a 

will if he have male issue law-

fully begotten.—Again, the law 

only allows those who are not 

‘adopted’ to dispose of their 

property by will, and my father 

was a citizen by ‘adoption’ only. 

Lastly, it does not permit a 

person to make a will if he is of 

unsound mind, and the terms of 

the alleged ‘will’ which give
my father's widow to Phormio are inconsistent with the terms of the 'lease,' and argue the absence of sound mind and therefore my father's incompetence to make any will whatever.

12. κεφάλαιον...θείαν.] κεφάλαιον is constantly borrowed as a perfect passive to τίθημι, while τέθειμαι is almost invariably used as a deponent perfect. Thus the usage of the perfect in the best writers would be:

ο νόμος τέθειμαι τον νόμον.
ο τίθημι τέθειμαι τον νόμον.
ο νόμος κεφάλαιον.

(See further in notes on Or. 34 § 16, Or. 39 Argument, line 23 and on Isocr. ad Dem. § 86.)

Just as a privileges was forbidden by Roman law, so at Athens legislation expressly affecting a particular individual, whether in his interest or to his detriment, was not allowed, except in the single instance of ostracism; cf. the law quoted in Andocides, de mysteriis § 87 μηδε ετ' ανδρι νομον εξειναι θείαι, εαν μη τον αυτον ετ' εκευναι 'Αθηναίον, εαν μη εξακολουθετη ήτη κρούδην ψυχιστων, and similarly in Dem. Or. 24 (Timocrates) § 59.

13. ο μην νόμοι...ο δε πατήρ κ.τ.λ.] The sentence is rather loosely written, and the sense might have been brought out better by some such arrangement as this: ο μην νόμοι...κεφάλαιον, ο δε πατήρ Φορμίων ουτω 'Αθηναίοι γενομεν έθακε την εαυτου γυναικα: τέθειμαι γαρ κ.τ.λ. A similar looseness of structure may be noticed in §§ 25 and 15—έτι Δυστυκίουντον κ.τ.λ. 870. έτι Νικοφήμουν κ.τ.λ. 860.

τος δωρεάν] so. τος τολμηδα. Or. 36 § 30.
by 'adoption,' whereas this law implies that no 'adopted' person could dispose of his property as he pleased. But it will be observed on the other side, that the plaintiff has deliberately confounded two different senses of τοιοεύθεια (1) 'to adopt into a family' and (2) 'to present with the citizenship.' ἐπετοιήσης refers to 'family adoption' and the plaintiff argues as though it meant the same as ἐπετοιήση τοιλῆς.

The law is quoted to prove that Pasion had no right to make a will, (1) because he had male issue lawfully begotten (sc. Apollodorus). But it will be noticed that the law does not forbid such persons from making any will whatever, but simply enacts that those who have no male issue may dispose of their property as they please. Pasion was not debarred by this law from making a will, but was not allowed to make any disposition he chose, since (as in our law of entail) the right to the property was secured to the son.

Again (2), Pasion was a citizen...
του παρανοών, ἢ ὑπ' ἀνάγκης, ἢ ὑπὸ δεσμοῦ καταληφθέοις.]

15 Τὸν μὲν νόμον τῶν ἀκηκόατε, ὡς οὐκ ἔδιαθήκας διαθέσατο, ἐὰν παιδεῖς ὤσις γυνήσιοι. οὕτωι δὲ φασὶ ταῦτα διαθέσαει τὸν πατέρα, ὡς δὲ παρεγένοιτο οὐκ ἔχουσιν ὑποδείξαι. ἡξιον δὲ καὶ τὸ δέ ἐνθυμηθήναι, ὅτι ὅσοι μὴ ἐπεποίηται, ἀλλ' ἦσαν πευκότες γυνίσιοι, τούτως ο νόμος δίδωσιν, ἐὰν ἀπαιδεῖς ὤσις, διαθέσαι τὰ ἐαυτῶν. τὸ τούν πατήρ ἡμῶν ἐπεποίητο ὑπὸ τοῦ δήμου πολιτῆς, ὡστε οὐδὲ κατὰ τούτο ἐξῆν αὐτῷ διαθέσαί διαθήκην, ἀλλ' ὃς καὶ περὶ τῆς γυναικὸς, ἦς οὐδὲ κύριος ἐκ τῶν νόμων ἦν, παιδεῖς τε ἦσαν αὐτῶ. σκέψασθε δὲ καὶ διότι οὐδ' ἂν ἄπαιτες τις ἦ, κύριος ἰσοτι τὰ αὐτῶν διαθέσαι, ἔνα μὴ εὐ φρονητικῷ νοσοῦντα δὲ ἡ φαρμακώτα ἢ γυναικὶ πεθόμενον ἢ

ο Z et Dind. cum P. Wesseling.

υποδείξαι Dind. cum Σ (prima manus).

δόξα τούτῳ ἀκούσαι παρανοεῖν ἢ ἕνωτον φαρμάκων διείσδυσαι; and ib. Or. 6 (Philoctemon) § 9 οὕτως ὁ νόμος κοινὸς ἦταν κεῖται, ἐξεῖναι τὰ ἑαυτοῦ διαθέσαι, ἐὰν μὴ παιδεῖς ὄσις γυνήσιοι ἐρείπει, ἐὰν μὴ ἀρα μανεῖς ἢ ὑπὸ γήρως ἢ δι' ἄλλο τι τῶν ἐν τῷ νόμῳ παρανοῶν διαθήκη. — ὅν φαρμακῶν see further in § 16 φαρμακῶτα. — ρόδου ἐνεκέρει can only refer to cases where the mind was enfeebled, for bodily infirmity was of course in itself no bar to the validity of a will (Becker, Charicles, Scene ix. note 19).

16. διήρ. In the same sense as διήρ, for which it is not unfrequently used, especially by Isocrates when a hiatus is thereby avoided, e.g. Isocr. Lochites § 7 ἐνθυμουμένως δὴ followed by καὶ διήρ. Isocr. Paneg. § 48 n.

εὐ φρονητικῷ.] Isaeus Or. 7 § 1 ei τις αὐτῶν ἦν καὶ εὐ φρονικόν ἐποιήσαι, contrasted with ei τις τελευτήσῃς μέλλων διέθεσεν, ei τι τάδοι, τὴν ὀδοντ' ἐπέρχοντο. Eur. Ion 520, εὐ φρονεῖς μὲν; i.e. ἀρα ἐμφρών ei; — On nosoúnta see above, § 14 νόσου ἐνεκέρει.

φαρμακώτα.] Harpocr. Δημοσθένης εὐ τῷ κατὰ Στέφανου. ἥντι δὲ φαρμάκων ὡς ἐν τῷ φαρμάκων βέβλαμενοι, ὡς καὶ Θεό-φραστος εἰ' Νόμων ὑπόστημεν.

[φαρμακάν is one of a class of verbs implying mental or bodily affliction, e.g. λημαί, 'to have bleary eyes,' ποδαράν, χαλατών, φονᾶν, 'to be blood-thirsty,' λανκατᾶν, 'to have a desire for death,' Plat. Phaedo p. 64 b, τομᾶν 'to require the knife' &c. The verbs themselves are less commonly used than their participles. P.]
υπὸ γῆρας ἢ υπὸ μανὰν ἢ υπὸ ἀνάγκης τινὸς κατα- 
ληφθέντα ἀκυρον κελεύοντι εἶναι οἱ νόμοι. σκοπεῦτε 
δὴ, εἰ δοκοῦσιν ύμῖν εἰς φρονούντος ἀνδρὸς εἶναι αἱ 1134 
17 διαθήκαι, ὡς φασί διαθέσατε οὕτω τού πατέρα. μὴ 
πρὸς ἀλλο δὲ τι παράδειγμα σκέψησθε ἢ πρὸς τὴν 
μισθωσιν, εἰ δοκεῖ ύμῖν ἀκόλουθον εἶναι τῷ τὴν τέχνην 
μὴ ἐξοσίαν δόντι ἐν τῷ αὐτῷ ἡμῖν ἐργάζεσθαι, τούτῳ 
τὴν γυναῖκα δοῦναι τὴν αὐτοῦ καὶ τῶν παιδών ἑαυτοῦ 
κοινωνὸν αὐτῷ γενέσθαι. καὶ μὴ θαυμάζετε, εἰ ταλλὰ 
σκευορομένους αὐτοὺς τὰ ἐν τῇ μισθώσει τοῦτο παρ- 
έλαθεν. ἵσως μὲν ἡμῖν οὐδὲ προσείχον ἀλλὸ οὖν γῆρ 
τῷ τὰ χρήματα ἀποστερῆσαι καὶ τῷ προσοφελοῦντα 
τῷ πατέρα ἐγγράψαι· εἶτα δὲ οὐδὲ ἔδοκον ἐμὲ οὕτω 
δεινῶν ἔσεσθαι ὡστε ταῦτα ἄκριβῶς ἐξετάσαι.

a Bekker cum correcto Σ.  
v ἐπὶ δὲ Ζ, Dind., Bekker (st. Leipsig ed.) cum Σ et γρ. Φ. 
ἐπὶ Bekker (Berl. ed.).

εἰ δοκοῦσιν εἰς φρονοῦντος κ.τ.λ.)  
It is curious to find the plaintiff setting up this suggestion of 
Inuacy when in another speech,  
Or. 49 (Timoth.) § 42, delivered 
at an earlier date, he describes 
his father as not only giving 
him a written statement of 
debts due, but also, in his last 
illness, telling him and his 
brother the details of each par- 
ticular sum, the name of the 
debtor, and even the purpose 
for which the money was lent. 

He might have turned his 
argument to more account, if, 
instead of insinuating that the 
terms of the alleged will sug- 
ggested that his father was of 
sound mind, and therefore 
legally incompetent to make 
any will at all, he had urged 
that, his father having been of 
sound mind up to the day of 
his death, the ‘insane’ pro- 
visions of the will betrayed it to 

be a forgery.

17. ἀκόλουθον ἐδωκα... τῷ δόντι... 
τοῦτῳ δοῦναι.] The juxtapositions 
of these two datives, referring 
to two different persons, is 
extremely harsh. The order is: 
δοκεῖ ύμῖν ἀκόλουθον εἶναι (Παῦλ- 
ων), τῷ μὴ δοντὶ ἐξωσίαν ἐργά- 
ζεσθαι τῇ τέχνῃ ἐν τῷ αὐτῷ 
ἡμῶν, δοῦναι τοῦτῳ (66. Φορμωμοῦ) 
τῇ γυναίκῃ τῆς αὐτοῦ; 'Is it 
consistent for one who refused 
Phormio permission to carry on 
business in partnership with 
us, actually to give Phormio his 
own wife?'

τῶν παιδῶν κοινωνὸν αὐτῷ.]  
Kennedy: ‘partner with him- 
self in paternity’ (by marrying 
his widow). For σκευορομένουs 
cf. Or. 45 § 5.

ἐγγράψαι.] Specially used of 
'registering' a man as debtor. 
Cf. Or. 53 § 14.

οὕτω δεινῶ.] ‘They little 
dreamt I should be clever
Σκέψασθε τούς καὶ τοὺς νόμους, παρ’ ὅν κελεύονται τὰς ἐγγύσας ποιεῖσθαι, ὡς ἐκδῆτε καὶ ἐκ τούτων ὡς κατεσκευασμένης διαθήκης ψευδής μάρτυς γέγονε Στέφανος οὕτως. λέγε.

ΝΟΜΟΣ.

[“Ἡν ἂν ἐγγυήσῃ ἐπὶ δικαίως δάμαρτα εἶναι ἡ πατήρ ἡ ἀδελφὸς ὁμοπάτωρ ἡ πάππος ὁ πρός πατρός, ἐκ ταύτης εἶναι παιδὰς γυναῖκας. εὰν δὲ μηδεὶς ἡ τούτων, εἀν μὲν ἐπικληρός τις ἢ, τὸν κύριον ἔχων, εἀν δὲ μη ἦν, ὅτα ἂν ἐπιτρέψῃ, τούτων κύριον εἶναι.”

19  Οὕτως μὲν τοῖς ὁ νόμος οὐς ἐποίησε κυρίους εἶναι, ἀκηζόατε ὅτι ὅ ὁδεῖς ἢ τῷ τούτων τῇ μητρί, οἱ om. Ζ cum Σ.

*Bekker.*

† Bekker cum libris.

enough to examine all these questions thoroughly.’ This passage has been quoted as an indication of the plaintiff’s consciousness of his own oratorical skill, and as a presumption in favour of the view that Apollodorus is himself the writer of the speeches delivered by him which have come down to us among the orations of Demosthenes. (A. Schaefer, Dem. u. s. Zeit, iii. 2.192.)

§§ 18—21. The forger of the will is also proved by the law of betrothals, which provides that a woman may be affianced for lawful wedlock by her guardians, i.e. certain near relations, such as father, brother or grandfather. As none of these are in existence, and you may be sure that the other side would have produced them or pretended to do so to suit their purpose, it follows that my mother was an ‘heiress,’ and the law declares that the son of an heiress, when he comes of age, shall be his mother’s guardian. Now I was abroad on public service (and therefore of full age) when Phormio married my mother (and he did so without obtaining the consent of myself, her guardian).

18. σκέψασθε τοὺς νόμους.] The accusative after the principal verb, where in English we should prefer making it the nom. of the subordinate clause. Cf. Or. 45 § 24. Kennedy partially keeps up the Greek construction by rendering it thus: ‘look now at the laws, (to see) from whom they require betrothals to be obtained.’

ἐγγύς.] The betrothal (ἐγγύς) was made by the natural or legal guardian of the girl, in the presence of the relatives of both parties. ‘All children born from a marriage legally contracted in this respect were γυναῖκι, and consequently, if sons, οὐκ ἀδελφοὶ, or entitled to inherit equally.’ (Whiston in Dict. Ant. s. v. Matrimonium, K. F. Hermann, Privatalt. § 30, 7 and § 65, 15.)
ΝΟΜΟΣ.

[Καὶ ἐὰν ἔξ ἐπικλήρου τις γένηται, καὶ ἅμα ἡβήση ἐπὶ δίετες, κρατεῖν τῶν χρημάτων, τὸν δὲ σύτων μετρεῖν τῇ μητρὶ.]

Οὐκόν ὁ μὲν νόμος κελεύει τοὺς παῖδας ἡβήσαντας κυρίους τῆς μητρὸς εἶναι, τὸν δὲ σύτων μετρεῖν τῇ μητρὶ. ἔγω δὲ φαίνωμαι στρατευόμενος καὶ τριπαραχῶν υἱῶν ὑμῶν, ὅτι οὕτω συνόρκησε τῇ μητρὶ. ἀλλὰ μὴν ὅτι ἔγω μὲν ἀπεδήμους τριπαραχῶν, ἑτελευτήκει· δὲ ὁ πατὴρ πάλαι, ὅτε οὕτως ἔγημε, τὰς δὲ θεραπαίνας ἑτελευτήκει Ζ.

20. καὶ ἐὰν—μητρὶ.] 'If a son is born of an heiress, two years after he has attained his puberty he shall enter into possession of the estate, and he shall pay alimony to his mother.' K. Harpoc. ἑτελευτής ἡβήςας. Δημοσθένης ἐν τῷ κατὰ Στεφάνου. Αὐτὸς ἐν τῷ τελευτήτης ἑτελευτήκει. Σταθεροί τὸν δὲ καταλεφθεῖν τῇ μητρὶ, δὲ κελεύει κυρίους εἶναι τῆς ἑπικλήρου καὶ τῆς οὔσας ἀπάσης τοῦ παῖδας, ἑτελευτής ἑτελευτής ἡβήςας. Οὗτος ἐπὶ ἱστορίας ἑτελευτήκει. Cf. Isaeus frag. 90, id. Or. 10 § 12 and Or. 8 § 30. (See A. Schaefer, Dem. iii. 2. 19—39, esp. p. 25, Eintritt der Mündigkeit nach Attischen Rechte, where ἑτελευτής ἡβήςας is explained to include the 17th and 18th year, and the 'coming of age' is placed at the age of 18. K. F. Hermann, Privatalt. § 35.)


Therefore of full age; referring back to παῖδας ἡβήςας.

21. πάλαι.] Pasion died b.c. 370, the triarchy probably took place in b.c. 368 (Or. 45 § 3), and it was during the plaintiff's absence on this public service that the marriage of Archippe took place. The interval here
 implied by the vague word ἀλαὶ 'some time before' would seem to be two years. The plaintiff wishes to insinuate that, though some time elapsed before the marriage proper (ἐγγεί), intrigues had been going on at an earlier date, and this is how the composer of the deposition in § 21 seems to have understood it.

τὴν μητέρα τὴν ἐμὴν.] These words, which would have been appropriate enough in the mouth of Apollodorus, are absurdly out of place in the deposition, and betray gross carelessness on the part of the fabricator of the document. Even apart from this detail, the general contents of the deposition are different from what we are led to expect by the plaintiff's language in introducing it. (A. Westermann u. s. p. 113.)

§§ 22—24. The law does not allow any one to marry an 'heiress,' without a legal adjudication. Phormio made no legal claim for the hand of my mother, but did exactly as he pleased, in defiance of the law.

22. τῶν ἐπικλήρων.] The plaintiff attempts to prove that his mother was an 'heiress.' If so, her property ought to have passed absolutely into the hands of her eldest son, on his coming of age, whether her husband was alive or not. But there is not a single trace of such a relation between Archippe and Apollodorus in the rest of the speeches of the latter. Archippe was most probably of foreign extraction (cf. Or. 45 § 22) and the plaintiff's argument seems the merest shuffling. (See further, A. Schaefer, Dem. u. s. Zeit, iii. 2, p. 176.) On ἐπικλήρων see note on Or. 45 § 75.
καὶ ἀστῶν, καὶ περὶ μὲν τῶν πολιτῶν τῶν ἄρχοντας ἐισώγειν καὶ ἐπιμελεῖσθαι, περὶ δὲ τῶν μετοίκων τὸν πολέμαρχον, καὶ ἀνεπίδικον μὴ ἐξεῖναι ἐχεῖν µήτε κλήρον µήτε ἐπικλήρον.

ΝΟΜΟΣ.

[Kληροῦν δὲ τῶν ἄρχοντα κλήρων καὶ ἐπικλήρων, δοσὶ εἰσὶ µῆνες, πλὴν τοῦ σκιροφορίων. ἀνεπίδικον δὲ κλήρον µὴ ἐχεῖν.]

Οὗκοιν αὐτῶν εἴπερ ἔβουλετο ὅρθως διαπράττεσθαι, λαχεῖν ἔδει τῆς ἐπικλήρου, εἴτε κατὰ δόσιν αὐτῷ προσήκειν εἴτε κατὰ γένος, εἰ µὲν ὁς ὑπὲρ ἀστῆς, πρὸς τὸν ἄρχοντα, εἰ δὲ ὑπὲρ ξένης, πρὸς τὸν πολέμαρχον, καὶ τότε, εἴπερ τι λέγειν εἴχε δίκαιον, πείσαντα ὑµῶν τοὺς λαχοῦντας µετὰ τῶν νόµων καὶ τῆς ψήφου κύριον

* Bekker. ἔβουλετο Z cum Σ.
* αὐτῷ Z. * G. H. Schafer. προσήκειν Ζ cum libriss.

κληροῦν (κλήρων κ.τ.λ.) i.e. 'assign by lot days for the trial of claims to inheritances or heiresses.' Below, we have the corresponding phrase λαχεῖν τῆς ἐπικλήρου, i.e. 'to have allotted to one a suit for the hand of the heiress.' Cf. the common phrases λαγχάειν and κληροῦν δίκαιον; so λαγχάειν τοῦ κλήρου 'to be a suitor for the property.'

Isaeeus Or. 11 (Hagn.) §§ 22, 40, Or. 3 (Pyrr.) § 74 and Or. 9 (Astyph.) § 4.

τῶν ἄρχοντα.] The Archon Eponymus, or Chief Archon. See Or. 35 § 48 (where the duties of the Polemarch are also mentioned) and Or. 37 § 33.

πλὴν σκιροφορίων.] The last month of the Attic year, nearly corresponding to our June. It is here excepted, apparently because it was in this month that most of the magistrates vacated office and passed their audit.

ἀνεπίδικον.] 'Without legal adjudication.' See K. F. Hermann, Privatalt. § 66, notes 1 and 2.

23. εἴπερ...εἴπερ...εἴπερ...εἴπερ...εἴπερ...εἴπερ. εἴπερ.] εἴπερ is here repeated in various forms no less than six times in the same sentence; cf. Or. 53 § 23 where εἴπερ occurs twice. But even the undisputed writings of Demosthenes contain frequent instances of such reiteration, e.g. Or. 54 § 15 (twice); Or. 15 (de Rhod. lib.) § 15 (thrice); Or. 20 (Lept.) § 118 (four times) 'quamquam hic εἷµεν et εἴπερ de inter se opposuntur quae non est vera repetitio.' (Lortzing, Apoll. p. 33).

ẁµῶν τοῦ λαχοῦτας.] 'Those of your number who were drawn for the jury' ('allotted for the trial of the cause').
εἶναι, καὶ μὴ αὐτῷ νόμους ἢ δὲν θέμεναν διαπράξασθαι ἃ ἐβοὐλετο.

24. Σκέψασθε δὴ καὶ τονδὲ τὸν νόμον, δὲ κελεύει τὴν
diαβήκης, ἢν ἀν παιδῶν δυτικῶν γνησίων ὁ πατὴρ diα-
θήται, εἰναὶ ἀποθάμωσιν οἱ παῖδες πρὶν ἡβῆσαι, κυρίαν
eἶναι.

ΝΟΜΟΣ.

["Ὁ τι ἀν γνησίων δυτικῶν τὸ πατήρ διαθήται,
eἰναὶ ἀποθάμωσιν οἱ νεῖς πρὶν ἐπὶ διέτες ἡβῆσαι, τὴν
tοῦ πατρὸς διαβήκης κυρίαν εἶναι."]

25. Οὐκοίν ὅποτε ἓσωσιν, ἀκυρὸς μὲν ἡ διαβήκη ἑστιν,
ἢν φασιν ὦντοι τῶν πατέρα καταλιπεῖν, παρὰ πάντας
de τῶν νόμων μεμαρτύρηκε Στέφανος ὦντοι τὰ ψευ-
dῆς, ὡς ἀντίγραφα ἑστι τῆς διαβήκης τῆς Πασίωνος'
πῶς γὰρ σὺ οἶσθα, καὶ ποὺ παραγενόμενος διατιθεμένῳ
tῷ πατρὶ; κακοτεχνῶν δὲ φαίνει περὶ τὰς διαβήκας,
tὰ ψευδὴ μὲν αὐτὸς μαρτυρῶν ἐτοίμως, κλέπτων δὲ
tὰς ἁλθείς μαρτυρίας, ἔξαπατῶν δὲ τῶν δικαστῶν,
συνιστάμενος δὲ ἐπὶ ταῦς δίκαιως. οἱ δὲ νόμοι καὶ περὶ
26 τῶν τοιούτων γραφῆν τεποιήκασιν. καὶ μοι ἀνάγνωθι
tῶν νόμων.

ΝΟΜΟΣ.

["Εάν τις συνιστήται ἡ συνδεκάζῃ τὴν ἡμιαίαν ἡ

§ 24. Again, there is a law
allowing a will made by a father
(though he has legitimate sons)
to become valid if the sons die
before reaching manhood. In
the present case, as the sons are
alive and grown up, the ‘will’
is invalid.

[ἀποθάμωσιν—πρὶν ἡβῆσαι.]

‘Every man of full age and
sound mind, not under durance
or improper influence (cf.
§ 15), was competent to make a
will; but if he had a son he
could not disinherit him; al-
though his will might take
effect on the contingency of the
son not completing his sev-
teenth year’ (C. R. Kennedy in

For the latter part of this
statement, the present passage
is perhaps the only express
authority.

§§ 25—26. Further, the de-
fendant has illegally entered
into a conspiracy to defeat the
ends of justice.
P. 1137.] ΨΕΤΔΟΜΑΡΤΤΡΙΩΝ Β. 129

tων δικαστηρίων τι των 'Αθήνας ἢ την Βουλήν ἐπὶ
dωροδοκία χρήματα διδούσι ἢ δεχόμενος, ἢ ἐταιρευάν
συνιστή ἐπὶ καταλύσει τοῦ δήμου, ἢ συνήγορος ὁν
λαμβάνει χρήματα ἐπὶ ταῖς δίκαιως ταῖς ἱδίαις ἢ δημοσι-
ιαίς, τούτων εἶναι τάς γραφάς πρὸς τοὺς θεσμοθέτας.

27 ᾿Ἡδέως ἄν τοῖνοι ὑμᾶς ἐροίμην ἐπὶ τούτωι ἄπασι

ελπιτω...μαρτυρεῖ.] Or. 45 § 58. On συνιστάμενος, see note
on συστήμας Or. 45 § 67.

συνδέκα[?] 'Bribe the Hel-
sea.' Pollux: δῶρων κατὰ τοῦ
ἐπὶ δώρων δικάσατος ἢ γραφή, 
δέκασμον δὲ κατὰ τοῦ διαφελ-
ρατος καὶ ὃ μὲν δεκάζωσαν ὃ δὲ
δεκάζων ἔλεγε. Cf. Or. 21
(Mil.) § 113 ἐξ, ἕν τι...διδῶ 
ἐτέρῳ διαφελῷ τινάς ἐπαγ-
γίλλησον, ἐπὶ βλαβῆ τοῦ δήμου
...ἀποµένος ἔστω, δεκασμός how-
ever (strictly meaning a systematic
bribery by division into sets
of ten) is only a late word and
is not found in the Attic Oras-
tors, though δέκαστος occurs in
Ar. Ethics π. 9. 6, ὥσ γὰρ δέ-
καστον κράζομεν (τὴν ἱδίων),
and Aeschines, Timarch. § 86, has
συνδέκασθεν τὴν ἐκπτήσαν καὶ
tάλλα δικαστήρια and ib. § 87
μαρτυρεῖν τοὺς μὲν ἡ δέκαζεν τοῦ
de ὤ δεκάζωτο. Cf. Isocr. Or. 8
§ 50 ὥστω τὴν γιημαί ἐπεκει-
μένη, ἐν τις ἀλλ' δεκάζων and
Lysias Or. 29 § 12 δεκασμόνος.
So in Latin, we have decuriae
used of organised bribery at
elections, Cicero, pro Plancio
§ 45 decuriae tribulium and
decusam Phanum, concrpt-
sissae. Cf. the obscure name
given to bried dieasts at
Athens, Λύκον δεκας. (In wholesale bribery an agent, it is con-
jected, was chosen from each
tribe and the group of ten thus
selected to deal with their fellow-
tribesmen were comically called
Λύκον δεκας from the statue of

Lyces near the law courts.
Meier and Schömann, Att. Pro-
cress p. 150. Harpocr. s. v. δεκα-
ζων.

The usual phrase for bribery is
χρήματι φθειρες (or diaφελ-
ρειες), though the euphemism
χρήματι πᾶσαι is still more fre-
quenct, and it is curious to note
how frequently the word δω-
ροδοκία occurs, and how rarely
dεκασμός and its corresponding
verb. Again and again we have
charges of receiving bribes,
seldom of giving them; possibly
because those who gave them
were too powerful to be attacked.
—ἐπί δωροδοκία 'with a corrupt
motive,' is here a general term,
implying without directly ex-
pressing the corresponding term
δεκασμός.

ἐταιρεῖαν ἐπὶ κατάλυσι τοῦ
dήμου.] Thuc. viii. 54, ὁ Ἱεω-
νάδρος τὰς ξυνωμοσίας...ἀπάσας
ἐπελθὼν καὶ παρακελευσάμενος
δίκως...καταλύσων τοῦ δήμου
κ.τ.λ. See Grote, H. G. chap. 51
(iv. p. 394, ed. 1862).

ἐπὶ ταῖς δίκαιος κ.τ.λ.] 'In any
cause either of a public or pri-
vate nature,' K. Rather (as
above, § 25), 'with a view to
winning the causes brought
either by private persons or on
public grounds.' It is to a
collusion for such a purpose
between the σωδίκον and the
συνήγορος that Aristophanes
alludes in Vesp. 694. P.

θεσμοθέτας.] 'The six minor
Archons.'

P. S. D. II.

9
κατὰ πολὺς νόμους ὁμομοιότητες διεκάζετε, πότερα κατὰ τοὺς τῆς πόλεως ἢ καθ' οὓς Φορμίων αὐτῷ νομοθετεῖ. ἐγὼ μὲν τοῖνυν τούτοις παρέχομαι ύμῖν, καὶ ἐξελέγχω αὐτοὺς ἀμφοτέρους παραβεβηκότας, Φορμίωνα μὲν ἐξ ἀρχῆς ἀδικήσαντα ἡμᾶς καὶ ἀποστερήσαντα τὰ χρήματα, ὃ δ' πατήρ ἡμῶν κατέληπτε καὶ ἐμίσθωσε τοῦτο μετὰ τῆς τραπέζης καὶ τοῦ ἐργαστηρίου, Στέφανον δὲ τούτου τὰ ψευδή μεμαρτυρήκατα καὶ παρὰ τὸν νόμον.

28 Ἀξίων τοίνυν, οὐ ἄνδρες δικασταί, καὶ τόδε ἐνθυμηθήναι, ὧν διαθήκης οὐδεὶς πώτερον ἀντίγραφα ἐποίησατο, ἀλλὰ συγγραφῶν μὲν, ἣν εἰδῶς καὶ μὴ παραβαινῶσι, διαθήκης δὲ οὗ. τούτου γὰρ ἔνεκα καταλείπουσιν οἱ διαιτημένοι, ἣν μηδεὶς εἰδῆ ἢ δια-

Bekker cum Σ (in margin). Με διαθήκης Σ cum ΣΦ. διαθήκας Φ.

§ 27. The jury has sworn to do justice according to the laws of Athens and not the laws which Phormio chooses to lay down for himself. I produce the laws of Athens and I prove that both of my opponents have broken them, Phormio by defrauding me of the money left me by my father, Stephanus by giving false evidence and that contrary to the law.

τὰ χρήματα.] se, the Banking-stock, which is the subject of Or. 36. The ἐργαστήριον is the shield-manufactory of Or. 36 § 4.

§ 28. The jury, by the way, should also notice that no one ever makes a copy of a will. How then came Stephanus and his friends to know that the contents of the document appended to the deposition are a copy of my father's will?

καταλείπουσίν.] Especially used of leaving behind one at death. 'The reason why people leave their wills behind them (instead of publishing them before they die) is to prevent any one knowing their contents.' Kennedy renders it: 'keep wills by them until their death.' From not recognising this meaning, several unnecessary conjectures have been suggested, e.g. κατασκευάσιας καταλείπουσι (Reiske); καταλείπουσι (Seager); οὐ καταλείπουσι, se, διαθήκων ἀντίγραφα (G.H.Schaefer).

[I incline to think καταλείπουσι is the true reading. The reason why people 'leave wills' is to shew how they wish to dispose of their property; the reason why they 'keep them under lock and key' is that no one may have access to them. P.]

For the reiteration διασεβή-

μενο...διασεβή, see §§ 2 and 3.
π. 1137.] ΨΕΤΩΜΑΡΤΤΡΙΩΝ Β. 131

tιθένταί. τῶς οὖν ὑμᾶς ἔστε ὅτι ἀντιγραφά ἐστὶ τῶν
dιαθηκῶν τῶν Πασιώνος τὰ ἐν τῷ γραμματέας γε-
γραμμένα;

29. Δέομαι δ' ὑμῶν ἀπάντων, ὁ ἄνδρας δικασταί, καὶ
ἰκετεύω βοήθησαι μὲν ἐμοὶ, τιμωρήσασθαι δὲ τοὺς
ἐτοίμως οὕτω τὰ ψευδή μαρτυροῦντας, ὑπὲρ τε ὑμῶν
αὐτῶν καὶ ἐμοῦ καὶ τοῦ δικαίου καὶ τῶν νόμων.

§ 29. I implore the jury to
grant me redress, that those who
are so prompt to give false evi-
dence may be punished on all
grounds, particularly for the
sake of justice and the laws.

τῶν νόμων.] Placed last for
ephasis, since the whole
speech has dealt with quo-
tations of laws and not with
ektéra, or ‘presumptive proofs,’
as in the former oration.
ΠΡΟΣ ΝΙΚΟΣΤΡΑΤΟΝ
ΠΕΡΙ ΑΝΔΡΑΠΟΔΩΝ ΑΠΟΓΡΑΦΗΣ
ΑΡΕΘΟΥΣΙΟΥ.

ΤΙΠΟΘΕΣΙΣ.

Απολλάδωρος γραφάμενος ψευδοκηλείας "Αρεθούσιον εἴλεν. ὁφείλοντος δὲ τοῦ 'Αρεθούσιον τάλαν-τον τῇ πόλει καὶ ἀποδούναι μὴ δυνηθέντος, καὶ διὰ τούτο εἰς τὰ δημόσια ἀπογραφομένης αὐτοῦ τῆς οὐ-5 σιας, ἀπογράφει ὁ 'Απολλάδωρος οἰκέτας ὁς ὕπτας 'Αρεθούσιον, ὁ δὲ Νικόστρατος μεταποιεῖται ὡς ἰδίων καὶ ἐκείνῳ προσηκόντων οὖθεν. ἐπεὶ δὲ τὸ πράγμα μοχθηρὸν ἐστὶ, διὰ τούτο ὁ ῥήτωρ διηγεῖται πήλικας τέπονθεν 'Απολλάδωρος ὑπ' 'Αρεθούσιον, ἵνα δοκῇ μὴ

1. 'Αρεθούσιος has incurred a debt to the public treasury and has neglected to discharge it. I have accordingly laid an information against him and drawn up a specification of his property. I have been prompted to do so, not by petty and vexatious motives, but by the simple desire to exact vengeance for having been outrageously wronged by Arethousius and his brother Nicostratus. The purity of my motives will be proved, (1) by the small amount at which the two slaves are valued in the specification (two-and-a-half minae), so that the pecuniary gain to which I am legally entitled for bringing this information is small, while the loss which I should incur, if I fail, is 1000 drachmae, (or four times as great as the value of the slaves). (2) The fact that I have laid the information in my own name, instead of getting a friend to act on my behalf, proves that I am prompted by the personal motive of revenge alone; content with that revenge, I am willing to waive in favour of the public treasury all claim to the reward which the
law in such cases allows the briner of the information (viz. three-fourths of the valuation).

The court will now permit me to justify myself by shewing how ungratefully I have been dealt with by my opponents and by relating, so far as time permits, the most atrocious and flagrant of all the wrongs which they have inflicted upon me.

1. of συγκοφαντών κ.τ.λ.] Apollodorus is anxious to rebut, at the very outset, the obvious imputation of συγκοφανία. To prove that, so far from being actuated by a spirit of petty and vexatious litigiousness, he has been inspired by what an Athenian tribunal would regard as a thoroughly legitimate motive, the motive of revenge, he appeals to two points. The first is the small amount (two and a half minae) at which the slaves in dispute were valued. If the informer proved his case, the law allowed the informer to have three-fourths of the amount. Apollodorus would thus have a claim for barely two minae (or less than £8), a sum too small to provide a sufficient motive for συγκοφανία. If that had been his object, he would of course have made a higher valuation, looking only to his share of the reward as the informer. His second point is the fact that instead of availing himself of the services of his friends he had himself drawn up the specification (αὐτὸς ἐγώ ἀπεγραφα)—a fact which proved that he was prompted by the motive of a purely personal revenge, especially as he waived all claim to his share of the fine.

οἱμένος δέ οἱ τιμωρεῖται.] 'To avoid the fatal charge of sycophantia, any one prosecuting a fellow-citizen for some public offence endeavoured to shew that he had private and personal grounds of enmity against the accused; and if he succeeded in proving this, it was considered the most natural and reasonable thing in the world that he should endeavour to satisfy his hatred by becoming public prosecutor.' Wilkins' Light of the World p. 80 (where a reference is made to Lewes' History of Philosophy i. 108). For illustrations of the Greek view of the reasonableness of revenge, see note on Isocr. ad Dem. § 26.

τὸ μέγεθος.] 'the size,' 'the amount,' a neutral word, here meaning probably 'the small amount,' 'the paltriness of the specification.' Herod. ii. 74, μεγάλη μερός. The sum of two and a half minae seems to refer to the value of the two slaves taken together. (Boeckh, Publ. Econ. i. 94, note 300, 97. b. of Second German ed.). Reiske,
however, explains τὸ μέγεθος τῆς ἀναγραφῆς: magnitudo multae mihi luendae, ei sensa cadam. τῆς ἀναγραφῆς. 'the specification,' or 'inventory,' of property, used especially of information as to State property alleged to be unlawfully held by a private person. Harpocration, ἀναγραφή ὅταν τις λέγῃ τινα ἔχει τι τῶν τῆς τόλεων, ἀναγραφὴν ποιεῖται ὁ ἐναγόμενος, δηλ. τόθεν ἔχει τὰ χρήματα καὶ σᾶς ταῦτα εἶπο...τι ἐᾶ ἴν τὸ κυβέρνει γιὰ τὸν ἀναγραφην ποιομένῳ, ἴν τῇ ΔΗμοσθένου τρίς Νικοστράτου περὶ τῶν Ἀρεθουσίων ἀνδρατῶν, εἰ γνήσιος, δῆλον γεγονέται. Ἡ συνεχίς, ἀναγραφή ἀσήμην ἐὰν ἦ γνωμένη καὶ μίας. Cf. Or. 22 (Androt.) § 54, τὰ τὰ χωρία δημεύειν καὶ τὰς οἰκίας, καὶ ταῦτα ἀναγράφειν. ὅτι ὁ ἄθροιστος ἀναγραφὴν. We should expect τὰ δρατῶν. 'I should not have estimated the slaves as worth 21 minas.' Kennedy translates: 'I should not have scheduled slaves worth two minas and a half.' Dobree prefers ἀναγραφὴ μὲν ὡς...χιλιῶν δραχμών.] The fine inflicted on a prosecutor who in a public accusation failed to obtain a fifth part of the votes. This fine was attended by complete or partial disfranchisement. Or. 58 (Theocrin.) § 6 ἵνα ἐπεξεργαζόμενος τὶς μὴ μεταλλήθη τὸ τεμπελίου μέρος τῶν ἄθροισιν, χιλιῶν ἀποτίαν, κἂν μὴ ἐπεξεργάζεται, χιλιῶν ἐπιστρεπτῇ, ἵνα μὴ συκοφαντᾶτο μὴ δὲ ἐδείκτη ἔχων ἐργολαβεί καὶ καθυπήγῃ τὰ τῆς τόλεως. ὥστε οὐκ ἐξευρέσθην.] A mixed phrase between ὥστε οὖν ἐξευρέσθην and ὥστε μὴ ἐξευρέσθη. The use of ὅν with ὥστε and the infinitive is rare, but it occurs when a mere contingent result is described. P.] 2. τούνομα παρέχον.] 'lend his name,' i. e. allow himself to be used as a cat's paw. [Euripides has ταρασχεῖν δομον in Helena 1100 and 1655, where Helen is said to have 'lent her name' for the fraud put upon Paris in marrying a mere eido- λον. In both passages however the genuineness of the verse may be doubted. P.] τεκμήριον—ὑπὸ φειδομα. My opponents might have said, 'If you really had a quarrel against us, why did you not file the
action against us in your own name?" Perhaps we should read: οὐ γὰρ ἔν ἔν ἔν ηὐτε ἔν τετερον ἀπογράψας, "for I never should have allowed another," &c. P.]

three-fourths of the valuation was allowed by law to be paid to the individual who brought the action. 'This regulation,' says Boeckh, "appears to have been confined to concealed property, which was discovered by the informer." In a majority of other cases the third part only was received by the accuser (Publ. Econ. ii. 180).—τῷ ἰδιώτῃ τῷ ἀπογράφασιν, "to the individual informer." Κ. δὲ ἰδιώτης is here contrasted with ἡ πόλις.

8. έλ ἧ περὶ τὸν...ὑμᾶς ἐν συγγραφέω εἰστε...ποὺς ἐν ἑαυτῷ...ἀπόδειξε...ίκανον ἐν γένοις.] The student will be careful to distinguish between the two forms of conditional sentences here combined. 'If the time allowed had been sufficient, you would have made allowance for me... but, as the case is, even twice as much time would not suffice.' (Goodwin, Greek Moods § 49. 2 and § 50. 2.)—On τὸ ὕδωρ cf. Or. 54 §§ 86 and 44 n.

δα...οδα.] 'What benefits they have received from me and what a requital they have paid me for them,' or, better, 'the return they have given me for all the benefits I have conferred upon them.' For this idiomatic use of the double relative, cf. Soph. El. 751, οὗ ἔσσατι ὅρας οὐλα λαγεῖς κακό, also Ovid, Fasti v. 460, cernite sim qualis qui modo qualis eram; and Corne-lius Nepos, Atticus, 18, 3, notantes quis a quo ortus quos honoras quibusque tempore turbis cepeisset.
4. My opponent's brother, Nicostratus, was my neighbour in the country, and, being about the same age, we were thrown much together and became more and more intimate with one another. I granted him whatever he asked of me, and on his part was of some service to me in taking charge of my property whenever I was abroad on public or private business.

On one of these occasions, when I had left him in charge, three of his servants ran away from him. While pursuing them, he was taken prisoner by a privateer, and sold as a slave. On my return, I was told of his unhappy plight by one of his brothers, Deimon, and I supplied the latter with travelling expenses and thus enabled him to go to the rescue of Nicostratus. The latter, on his return, informed me that he had been ransomed for a considerable sum; and by appealing to me with tears in his eyes and pointing to the marks left by the galling fetters (though he is now ashamed enough of those scars that are the memorials of his slavery), he succeeded in inducing me to forgive him the three minae, which I had advanced for his brother's travelling expenses, and to contribute, as a free gift towards the twenty-six minae required for the redemption money, the sum of ten minae which I raised on the security of some of my property.

Bekker.

§§ 4–9. My opponent's brother, Nicostratus, was my neighbour in the country, and, being about the same age, we were thrown much together and became more and more intimate with one another. I granted him whatever he asked of me, and on his part was of some service to me in taking charge of my property whenever I was abroad on public or private business.

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4. Nicostratos γάρ οὕτως, ὃ ἀνδρεῖς δικασταί, γείτων μοι ἄν ἐν ἀγρῷ καὶ ἡμεῖς ἔγνωμος μέν μοι εἰχε καὶ πάλαι, ἐπειδή ὦ ἐτελεύτησέν ὁ πατήρ καὶ ἐγὼ ἐν ἀγρῷ κατοίκου, οὕτε καὶ νῦν οἶκό, καὶ μᾶλλον

Bekker.

om. Ζ cum Σ. (οὗτος Δ'τ.)

4. Nicostratos γάρ.] γάρ is almost invariably used at the beginning of narratives like the present; the English idiom generally requires us to omit it in translation, though we may sometimes render it, 'Well, then,' 'to proceed, then.' Cf. Or. 35 § 10 τοῦ γάρ χρόνου κ.τ.λ.

γρόμος εἰς.] γρόμος is a much weaker word than φῶς, as has already been noticed, on Or. 45 § 78.

The gradually increasing intimacy between Apollodorus and Nicostratus is well expressed by the successive phrases (1) γρόμος εἰς, (2) μᾶλλον ἀλήθεια ἔχωμεν, (3) χώραν ἔχομεν διακείμενοι of the present section, and (4) φῶς ἀλήθειας of § 12.

ἐτελεύτησεν ὁ πατήρ.] The death of Pasion took place b. c. 370. (Or. 46 § 13.)

κατοίκους...οἶκος.] If any distinction is to be drawn, the compound verb should be rendered 'I settled' and the simple 'I live,' but it is more likely that oἶκος is intended as a virtual repetition of the preceding κατοίκους. In such cases it is unnecessary to repeat the preposition, e. g. Eur. Bacch. 1065 κατηκεραυνοῦ ἄγεσθαι μέλαν πέραν and Orest. 181, διασκέδασθαι, οἶκομεθα where Porson remarks that, when a verb is repeated, it is generally used first in its compound, then in its simple form. Cf. Or. 86 § 4 προσώφειλε...οἶκος.

μᾶλλον — διὰ τὸ γείτονας τε
π. 1247.] ΠΕΡΙ ΑΝΔΡΑΠ. ΑΠΟΓΡ. ΑΡΕΘ. 137

dalhlois 77t7 ekroumeba did το γειτονεις τε ειναι κα
ηλκιωται. χρονον δε προβαλλοντος καλ παιν οικειοις
diekimeba, κα κα γο 87 ουτως οικειοι diiekimyn pro
totan osst ουδενος πωποτε δι εδεηηη αυτος εμοι
απτευχεν, ουτοις τ' αυ εμοι ουκ εχρητος ητν προς το
eπιμεληθηναι καλ διουκησαι, κα οποτε έγο αποδημοτην
η δημοσια τριηραρχον η ιδια κατ' αλλο τη, κυριον των
5 εν άγρο τουτον απαντων κατελειπαιν. συμβαιει δη
μοι τριηραρχη πεπη Πελοπόνησου, εκειθεν δη εις Σικε-
λιαν έδεη τους πρεσβεις άγειν, ους ο δημος εχεροτο-
νησεν. η ουν αναγογη δη δια ταχεων εγνυετο μοι.
επι-
στελλω δη αυτω ότε αυτος μεν ανηγμαι και ουχ οοι τ'
edani.] 'We grew more and more
familiar with one another from
being not only neighbours but
also of the same age.' Or. 85
§ 28 ad fin. and Or. 85 § 6
επιτηθειοι μοι έλειν καλ χρονοθ'
δαλλοις έλον τε μολιστα.
χρονον προβαλλοντος.] Soph.
Phil. 285, δ μεν χρονον δη δια
χρονον προβαλει μοι.

demosa trherarch}. This refer-
ence to the speaker's public
services is dexterously inserted
to ingratiate him with his audi-
ence, as well as to lead up to the
subsequent narrative συμβαιει
dη μοι τριηραρχη.—On some of
the later trierarchal services of
Apolloiodoras cf. note on Or. 86
§ 41.

5. τριηραρχη περι Πελοπονη-
σου κ. τ. λ.] The date of this event,
if it could be determined with cer-
tainty, would assist materially in
determining the date of the deliv-
ery of the speech. It seems
very probable that this trier-
archy should be identified with
that referred to in Or. 45 § 8,
which, as we have already seen,
may be placed in the year 368
B.C. See chronological note on
the Introduction to this speech.

δια ταχεων.] Thuc. i. 80, δια
ταχεων έλθειν, Isocr. Plato-
§ 8 δια βραχεων δι επωνημη-
μενα τοις λόγοις followed by
αναγκαιον δια μακροτερων δη-
λωσιν. (Kühner Greek Gram-
mar ii. § 494, 1, d.)

ανηγμαι.] αναγενθαι is con-
stantly contrasted with κατα-
γεσαι; the latter word occurs
in § 6 καταγθη εις Αλγων. The
verb, with its corresponding
substantive αναγωγη, implies a
notion that ships in the open
sea or, as we say, on the 'high
seas,' are at a greater elevation
than vessels in harbour. So in
Thuc. i. 48 and viii. 10 μετεωρος
is an epithet of ships at sea;
and similar references to this
familiar optical illusion may be
noted in Milton's Paradise Lost
π. 636, 'Far off at sea a fleet
deserted Hangs in the clouds,'
and in Ruskin's 'thomy slopes
of down overlooked by the blue
line of lifted sea' (Modern
Painters iii. iv. 14 § 51).

ετπετελλω ... δη ανηγμαι κα
οδι οδε τ' εχιν.] The historic
present ετπετελλω being virtu-
ally a secondary tense has the optative εἰσιν in the depend- ent clause. For the combination of the indicative ἀδέλφας with the optative εἰσιν, we may compare Or. 27 (Aphob. 1) § 19 ἐστίνα...λέγειν ὡς χρεία τε παρα- πολλα ἐκτέτειν...καὶ ὡς πολλά τῶν ἐμῶν λάβον. The optative of the perfect and future were less familiar than the optative of the other tenses. It is ap- parently for this reason that the indicative of the perfect or the future was often retained after secondary tenses, even when the present or the aorist was changed from the indicative to the optative (Goodwin, Moods and Tenses § 70. 2, B. 2).—The mss appear to have been misled by the indicative ἄδελφας into writing ἦν instead of εἰσιν which is now found in all the best editions.

6. παρά τῶν.] 'From the defendant's house.'—ὡν ἐγὼ κ.τ.λ. i.e. 'of the number of those whom I had given him.'

κατέλευσα τριραρχόν.]

'When my voyage as trierarch came to an end.' For the pre- position in κατέλευσα cf. κατη- χήθη ἱνα, and see note on ἀδέλφας supra § 5.

ἐπὶ τῶν.] 'In quest of him,' 'to fetch him back.'

7. ἔπηκεν.] Not 'praised,' but, rather, 'thanked. Cf. § 13, ἐπανείπερα μὲ ἐκλείψει κ.τ.λ. So
π. 1249.] ΠΕΡΙ ΑΝΔΡΑΠ. ΑΠΟΓΡ. ΑΡΕΘ. 139

τὰ ἐφόδια τῷ ἀδελφῷ αὐτοῦ, καὶ ὁδύρετο τὴν αὐτοῦ συμφορὰν, καὶ κατηγορῶν ἀμα τῶν οὐκείων ἐδειτό μου βοηθῆσαι αὐτῷ, ὡσπερ καὶ ἐν τῷ ἐμπρο-σθεν χρόνῳ ἦν περὶ αὐτὸν ἀληθινὸς φίλος· καὶ κλάων

καὶ λέγων ὅτι ἐξ καὶ ἐκοσὶ μνῖν λευμένοις εἴη,
8 εἰσενεγκεῖν αὐτῷ τι ἐκέλευε με εἰς τὰ λύτρα. ταῦτα δὲ ἐγὼ ἀκούον καὶ ἐλείπον τούτον, καὶ ἀμα ὅρων κακῶς διακείμενον καὶ δεικνύοντα ἔλκη ἐν ταῖς κυήμασι ὑπὸ δεσμῶν, ὅν ἔτι τὰς οὐλὰς ἔχει, καὶ ἑαν κελέσῃτε αὐτὸν δείξαι, οὐ μὴ ἐθελήσῃ, ἀπεκρινάμην αὐτῷ ὅτι καὶ ἐν 1249

κλαών Ζ.

καὶ ἐκείνης Dobree.

οὐ μὴ ἐθελήσῃ Σ.

θελήσῃ Bekker.

also in Ar. Ranae 508, καλλοστ, ἔταινα, 'thank you!' where however the notion of declining the offer is also involved.

ἀληθινός φίλος.] ἀληθινός is the Latin verus; ἀληθῆ verax.

'We may affirm of the ἀληθῆ that he fulfils the promise of his lips, but the ἀληθινὸς the wider promise of his name' (Trench, Synonyms of the New Testament § viii.). See also Donaldson, New Cratylus § 258 and Kühner Greek Gr. i. § 384. 7. [ἀληθινός is 'genuine,' as χρυσός, ἀρετή, ἄρα; ἀληθῆ is more directly contrasted with φεύγουσι, as ἀληθῆ λόγος. But the distinction is not always observed. Euripides has ἀληθῆ φίλος Suppl. 867, and σαφῆς φίλος is not unusual in the same sense. P.]

κλαϊον.] 'In Tragedy κλαϊω and κλαίω; in Aristophanes κλαίω prevails, in Attic prose κλαϊω and κλαῖω, the latter gaining ground.' Veitch, Greek Verbs.

eκοσι μνῖον.] Aristotle, Eth. v. 10. 9, gives as an example of νομοῦ δικαίων, conventional right, τὸ μνᾶς λυτροῦσα, the right of every man to claim his freedom on payment of one mina,—perhaps referring only to slaves. P.]

ἐκέλευε.] The tentative sense of the imperfect 'urged me,' 'prompted me,' 'asked me,'—less strong than the aorist ἐκ-λευεν.

8. ἔλκη ἐν ταῖς κυήμασι ὑπὸ δεσμῶν.] Ar. Equites 907, τῶν τῶν ἀντικυήματος ἐλκορίδια περι- ἀλείϕειν.

οὐ μὴ ἐθελήσῃ.] 'There is little chance of his consenting.'

Nicostratus would naturally refuse to display the scars left by the galling fetters: to do so would be to confess that he had incurred the disgrace of having been sold as a slave.

The future indicative with ὅ μὴ has here, as elsewhere, the force of an emphatic future with ὅ. The subjunctive, especially in the aorist tense, is still more common in this sense, and is indeed the reading of the ἄρσις in the present passage, the indicative being an apparently unnecessary emendation due to Dobree. [The Greeks said ὅ
τῷ ἐμπροσθεν χρόνῳ ἐγὼν αὐτῷ φίλος ἀληθινός, καὶ
νῦν ἐν τῇ συμφορᾷ βοηθήσωμι αὐτῷ, καὶ τὰς τε τρια-
κοςίας, ἃς τῷ ἀδελφῷ αὐτοῦ ἔδωκα ἐφόδιον ὅτε ἐπο-
ρεύετο ἐπὶ τοῦτον, ἀφείην αὐτῷ, χίλιας τε δραχμὰς
9 ἔρανον αὐτῷ εἰς τὰ λίτρα εἰσοίσιοι. καὶ τούτῳ οὐ λόγῳ
μὲν ὑπεσχόμην, ἔργῳ δ' οὐκ ἐποίησα, ἀλλ' ἐπειδὴ
οὐκ ἦπόρον ἀργυρίον διὰ τὸ διαφόροις ἔχειν τῷ Φο-
ρίλῳ καὶ ἀποστερεῖσθαι ὑπ' αὐτοῦ τὴν οὐσίαν ᾤν μοι

ὃ Dind. et Z cum G. H. Schaefer. βοηθήσωμι Bekker.

Cf. § 7. 12.

εἰπόρον Z.

μὴ φύγῃ, οὐ μὴ ἔθη, καὶ οὐ μὴ
ληφθῶ, but seem to have pre-
ferred οὐ μη πράξει το οὐ μη
πράξῃ. But here too are gen-
erally vary. P.] This construction
must be distinguished from the
special use of οὐ μη with the
second person of the fut. indic.,
to express a strong prohibition.
(Goodwin, Moods and Tenses
§ 89, 1 and 2.)

ὄπερκράδύνη.] The Attic form
corresponding to ὄπερκράδύνη in
Herodotus and ὀπερκράδυν in late
Greek, e.g. in the New Testa-
ment (Winer's Gr. p. 327, ed.
Moulton).

ὅτι ἐν τῷ ἐμπροσθεν χρόνῳ
ἐγὼν φίλος, καὶ τῶν βοηθήσωμι.
'That I had been his true friend
formerly, and would assist him
now.' The opt. ἐγὼν represents
not the present or future but
the imperfect of direct dis-
course; while the future optative
βοηθήσωμι corresponds to the
future ind. of oratio recta. 'The
fut. opt. in Classic Greek is
used only in indirect discourse
after secondary tenses to re-
present a fut. indic. of the
direct discourse' (Goodwin,
Moods and Tenses § 26). βο-
ηθήσωμι is wrong, because it
would represent ἐσπέργεσα of the
oration recta and would there-
fore be inconsistent with οὐ.
Similarly below, εἰσοίσιοι (con-
trasted with ἀφείην) represents
the fut. indic. of direct disc-
course.

ἔρανος κ.τ.λ. 'I would con-
tribute 1000 drachmae towards
his ransom,' i.e. 10 minae out
of the total amount of 26 minae
mentioned in § 7 ad fin. On
ἔρανος cf. Hermann, Privatalt.
§ 65, 13.

οὐ λόγῳ μὲν ὑπεσχόμην,
ἔργῳ δ' οὐκ ἐποίησα.] Cf. de
corona § 179 οὐκ εἶπον μὲν θάνατο
οὐκ ἔγραψα δὲ, οὐδ' ἔγραψα μὲν
οὐκ ἔπρεβεσα δὲ, οὐδ' ἔπρεβε-
σα μὲν οὐκ ἔπεσα δὲ τοὺς
Θηβαίων. Kennedy neatly trans-
lates 'nor did I content myself
with mere words; but what I
promised I performed.'

διαφόροι—τῶν Φορίλων.] The
context shows that the refer-
ence is to the estrangement
between Apollodorus and Phor-
mio shortly after the death of
Pasion in 370 B.C.—τὴν οὐσίαν
refers mainly to the banking-
stock which forms the sub-
ject of Or. 86, the claim to
which was not brought for-
ward until some twenty years
later.
ὁ πατήρ κατέλαμψα, κομίσας ὅσον Θεοκλέα τὸν τότε τραπεζεύοντα ἐκπώματα καὶ στέφανον χρυσοῦν, ἀπερῴημοι ἐκ τῶν πατρῴων ὄντα ἐτῶν ἐναντίων, ἐκέλευσα δοῦναι τοῦτο χήλας δραχμᾶς, καὶ τοῦτο ἔδωκα δωρεάν 10 αὐτῷ τὸ ἄργυριον, καὶ ὀμολογῶ δεδοκέναι. ἡμέραις δὲ οὖ πολλαῖς ὅστερον προσελθὼν μοι κλάων ἐλέγεν ὅτι οἱ ξένοι ἀπαιτοῦν αὐτὸν, οἱ δανείαν τά λίτρα, τὸ λοιπὸν ἄργυριον, καὶ ἐν ταῖς συγγραφαῖς εἰς τριάκοντα ἡμέραν αὐτὸν ἀποδοῦναι ἢ διπλάσιον ὀφείλειν, καὶ ὅτι τὸ χωρίον τὸ ἐν γειτόνων μοι τούτο ὀφείλει

2 Bekker cum Al. d ταρῳ Ζ cum ΣΦΒ.
3 Bekk. cum 1A. κλαίων Ζ.
4 αὐτῶν Ζ.

ἐκέλευσα] ‘Told him to give him 1000 dr,’ (not ἐκέλευσιν, which would mean ‘tried to induce him to give them.’ Cf. ἐκέλευς in § 7 ad fin.).—ἀποδέας, not as a loan, but as a free gift.

§§ 10—13. Not many days afterwards, he came once more and told me with tears in his eyes that the persons who had advanced the redemption money were demanding payment of the remaining sixteen minae, and that the agreement required him to refund the money within thirty days, or, failing payment, to be liable for twice the amount. He could raise no money, he said, on the farm in his neighbourhood, as that property was already encumbered by a claim upon it on the part of his brother Arethusa; and he asked me to advance the remainder, as otherwise my former gifts would be thrown away, and himself carried off to prison as the lawful property of the ransomer. He further promised to collect the whole amount and to repay me. Accordingly, I raised the remaining sixteen minae on the security of my lodging-house, and lent him this sum for a year without interest.

10. ἀπαιτοῦσιν. ἀπαιτῶ (cf. ἀπολαμβάνων) is ‘to ask for one’s due,’ ‘to request repayment of what is one’s own.’ So ἀποδοῦναι ‘to pay what is one’s due,’ ‘to make full payment of the sum borrowed.’ In Arist. Rhet. ii. 7. 5, among the reasons which indicate the absence of real gratitude, we have διαέρχων ἀλλ’ οὐκ ἔδωκαν (‘they merely returned the favour,’ simply repaid a debt, and nothing more). Cf. St Luke vi. 34, 35, ἀμαρτῶλοι ἀμαρτώλοις δανέισθησαν, θα ἀπολάβωμεν τὰ ἱδα.

τὸ χωρίον τὸ ἐν γειτόνων μοι] ‘the property (or farm) in my immediate neighbourhood.’ ἐν γειτόνων seems to be an elliptical phrase equivalent to ἐν τοῖς τῶν γειτόνων ‘in my neighbours’ lands,’ ‘in my own neighbourhood.’ In early Greek there is probably no other instance of this phrase, and as ἐκ γειτόνων is not without example in the Attic Orators it appears prefer-
εὗρε δὲ πρίσμαθαι οὗτο τίθεσθαι ὁ γὰρ ἀδελφὸς ὁ Ἀρεβούσιος, οὐ τῶν προϊστάκτων ἦσθ’ τά ὅτα ἦν ἀπογέγραπτα, οὖν δὲν ἐφη οὗτο ὁ νεώτερα οὗτε τίθεσθαι ὡς ἐνοφελομένον αὐτῷ ἀργυρίον. οὐ δὲν μοι, ἐφη, πόρισον τὸ ἐλέητων τοῦ ἀργυρίου, πρὶν τὰς τριάκοντα ἡμέρας παρελθεῖν, ἵππα μὴ ὁ τε ἀποδέδωκα, ἐφη, τὰς

able to the reading in the text, which is obtained by Reiske from τὸ ἐγγεγράμμα, found in three good MSS. (2A-B). Inscript Reiske, says Dobree, who gives a reference to Aristoph. Plut. 485, ἣ κατάλη χὰ τῶν γειτών. For οὐ γείτων cf. Iphigera (Ioconetis) § 21 ὅτα τὸ ἄρμα τὴν ἄνωθεν ἀνεμοκυμονένοις ἀλλάς καὶ ἐπὶ τῆς ἐκείνη ἄπυρόμενον παραδόθαι μετοκοι (cf. εὐκαίρια and exaudessum in the sense of prope). For οὐ γείτων we find no parallel earlier than Lucian, Philostr. his § 25 ὅτα γείτων δὲ ἡμῶν ὡς καὶ συνεκτημένον § 22; also Ioconetis § 8, ὅτα γείτων ἐστι περί ἀρματα καὶ μὴ πολύ διατηρητα (their doctrines are next door to one another and differ but slightly).

ὁ προάστων. The former is used as the aorist of the latter; ὁ τοῦ τούτου (though common in Lucian and Plutarch) being never found in early Greek Prose, and perhaps once only in Greek comedy (in a doubtful fragment of Plutarch). The correct aorist and present are found side by side in § 21, προάστων followed by ὁ ὁποίον; similarly in Lysias, Or. 7 § 4, προσέχεται occurs with ὁποίον ἐν the very next sentence.

τίθεσθαί. Lit. 'to get security given you,' hence 'to lend money on security' of land, &c.; 'to lend on mortgage,' as opposed to τίθεναι, lit. 'to give security,' 'to put in pledge,' 'to mortgage,' 'to borrow on security.'—Hermann, Privat. § 65. 15, quotes Dionys. Halic. de Isaeo p. 610, which illustrates the general sense of the present passage; ἄρχει ἐν τῷ ἀνθίσθαι ἄνθεσθαι ἐν τῷ ἀνθίσθαι ('which have been scheduled in the present suit (entered in the ἀνπονογραφή or specification).'

ὡς ἐνοφελομένον — ἄργυρον.] 'on the ground that money was due to himself thereon.' The property was already saddled with a debt due to Aristeus, to whom it was (in part at least) mortgaged. Aristeus, in other words, had a lien of money upon the property. In another speech delivered by Apollodorus, Or. 49 (Timoth.) § 45, we have the words ἐνοφελομένον ἔπειτα ἦν τῇ ὁδόιᾳ τῇ ἕκαστον ἐνοφελομένον αὐτῷ τοῦτο τῷ ἀγρόιοιν.

To contract a fresh loan on the security of property already mortgaged was of course fraudulent and was very properly forbidden. Cf. Bekker's Anecdota p. 259 μὴ ἐπιδοθεῖσθαι ἐπὶ τῶν αὐτοὶ ἐντοίοιροι. Or. 85 (Laert.) § 21 οἴτων ἐν τῷ συγγραφῇ ὑποτίθεν ταύτῃ ἐκλεῖσθαι (unencumbered) καὶ οὐδὲν οὔδεν ὑφάλλοιτε, καὶ ὅτι οὔτε ἐπιδοθεῖσθαι ἐπὶ τούτοις ἐπὶ οὔδενος. See also Or. 84 § 6. 11. ἵππα μὴ ὡς ἀποδέδωκα, τὰς
χιλιάς δραχμάς, ἀπόλογουται, καὶ αὐτὸς ἀγώνισμος γένοι
cαι. συλλέξας δ’, ἐφή, τὸν ἔρανον, ἐπειδὰν τοὺς ξένους ἀπαλλάξας, σοι ἀποδώσω δ’ ἂν μοι χρήσης. οἶδά
δ’, ἐφή, ὅτι καὶ οἱ νόμοι κελεύουσι τοῦ λυσαμένου ἐκ 1250
τῶν πολεμίων εἶναι τὸν λυθέντα, ἐάν μὴ ἀπόδιδῃ τὰ
λύτρα, ἀκόιων δ’ αὐτοῦ ταῦτα καὶ δοκοῦν οὐ ψευδεσθαι
ἀπεκρινήματι αὐτῷ ἄπερ ἂν νέος ταῦτα ἄνθρωπος καὶ
οἰκεῖος χρώμενος, οὐκ ἂν νομίζας ἀδικηθήναι, ὅτι ὁ
Νικόστρατος, καὶ ἐν τῷ πρὸ τοῦ τοῦ σοι χρόνῳ φίλος ἓν
ἀληθινός, καὶ νῦν ἐν ταῖς συμφοραῖς σου, καθ’ ὅσον
ἐγὼ ἑδυναμήν, βεβοθηκα. ἐπειδὴ δ’ ἂν τὸ παρόντι
οὐ δύνασαι προσίσαι ἀπαντὰ τα χρήματα, ἄργυριον μὲν
πρὸ τοῦτον Ζ χυμ ΓΣΦ.

χιλιάς δραχμάς, ἀπόλογουται. ] i.e. Ἰνα μὴ αἱ τε χιλιαὶ δραχμαὶ, ἄν
ἀποδώσω, ἀπόλογουται. τὰς δραχ-
μὰς is here attracted into the
same case as the relative δ’, the
object of ἀποδέως. Or. 20
(Lept.) § 18, οὐδεὶς ἐστι’ ἀτελής,
οὐδ’ οὔτ’ ἄνοιγμα ἐγραψε, τούτ’ ἀφ’
Ἀρμοδίου καὶ Ἰρσογέιτονος.
Plato, Phaedo p. 66 ε’, ἡμῶν ἔσται
οὐ ἑπιθυμοῦσι τε καὶ φαύνει διασ-
ταλ ἐναὶ φρονήσεως. (See Küh-
ner, Greek Grammar, II. § 558,
4.)

ἀγώμως.] ‘liable to seizure.’
Or. 23 (Aristoc.) § 11 ταὶ
αὐτῶν ἀποκρίνεται, ἀγώμως ἔσται
τοῦ λυσαμένων...ἐκαὶ τῶν λυ-
θέντα. ] ‘the laws enjoin that
a person ransomed from the
enemy shall be the property of
the ransomer, if the former fail
to pay the redemption money.’

12. ἄπερ ἄν.] so. ἀποκρίνεται.
οὐκ ἂν νομίζας ἀδικηθήναι ἂν ἂν
is often separated from its verb
by such words as οὖσα, δοκᾷ,
7. 25, ἢν δ’ ἂν μοι δοκᾷ κοινω-
νήσαι (Goodwin, Moods and
Tenes § 42, 2, p. 63). This is
most frequently the case when
ἄν is closely attracted to an
emphatic negative, e.g. Or. 36
§ 49, οὐ γὰρ ἂν ἂν γ’ ἔχουσι οὔδ’
ἄν τούσας.

ὅτι, ὁ Νικόστρατος, κ.τ.λ.] ὅτι,
which usually introduces an
indirect construction, is here fol-
lowed by oratio recta, and need
not be translated. Xen. Cyrop.
vii. 8, 3 ἀπεκρίνατο ὅτι, ὁ δὲ-
ντος, οὐ γὰρ (Goodwin, Moods
and Tenes, § 79).

ἐπείδη...οὐ δύνασαι κ.τ.λ.] G.
H. Schaefer suggests ἐπείδη δ’
οὐ δύνασαι (for δύνασαι) τορί-
σαι...ἀργυρίον γάρ (for μὲν) ἐμὸλ
οὐ πάρεστι...τῶν (οὐ, δὲ) κτη-
μάτων...κίχρυσα ἄτι βούλικε. He
holds that this reply suits the
request of Nicostratus in § 11,
τῷ σοὶ τὰ ἔλλειψον τοῦ ἄργυριον,
better than the manuscript
reading; the proposed alteration
does not, however, commend
itself as conclusive; indeed, the
emphatic pronoun ἐμὸλ, and the
words οὐδ’ ἂν οὐδ’ ἄν, are
more appropriate as a contrast to
the second person δύνασαι, than
to the proposed substitution δι- νομα. The sense of the text is simply this: "inasmuch as you are at present unable to pay the whole of the debt, although I have no money by me, nor indeed have I any at all (e.g. at my banker's) any more than yourself; you may mortgage it for the remainder of your debt and have the use of the money for a year without interest.'

κιχρημι] here, as elsewhere, of a friendly loan, commodare, as contrasted with δανείω, which is generally used of a money-lender's loan on interest, mutuo dare. Or. 49 (Timoth.) § 28, στρώματα καὶ λαίμα καὶ φιλάς ἄργυρα δώ...ἐχρησε, καὶ τὴν μην τοῦ ἄργυρου, ἕν δανει- ξετο, ἔδανεσεν, where, in the very next section, ἐδανειστατο is applied to the furniture as well as to the money; τάς φιλάς... ἃς ἔτησατ θετερ καὶ τὰ στρώ- ματα καὶ τὴν μην τοῦ ἄργυρου ἕν ἐδανειστατο.

13. τὴν συνοικίαν.] Probably 'the lodging-house' mentioned in Or. 45 § 28, and there valued at 100 minae. This security would amply suffice for a loan of 16 minae, and the rate of 16 per cent, below mentioned would, if paid on the value of the house, exactly produce the 16 minae required. In consideration of lending this sum on the security in question, Arsesas would further receive interest (from Apollodorus) at the rate of 18 per cent. on the 16 minae. Cf. Or. 56 § 6, ἅν συνοικίαι δεδα- ρευκός ἡ (with note). Aeschin. Timarch. § 124 ἀπὸ τολλοι
'Apkeástoς Παμβωτάδη, δυν αυτὸς ουτος προφέξῃσεν', επὶ οτιδ' ὀβολοῖς τὴν μνᾶν δανείσαντο τοῦ μνᾶς ἐκάστου. Ἀβδών δὲ τὸ ἀργύριον οὐχ ὅπως χάριν τινά μοι ἀποδίδονεν δυν εὐπαθεῖν, ἀλλ' εὐθεὺς ἐπεβούλευε μοι, ὡς ἀποστρήσει τὰργύριον καὶ εἰς ἐχθρῶν κατασταίη, καὶ ἀποροῦμενος ἔγι' τοῖς πρόγυμαι

V Bekker.

προφέξῃσεν Ζ συμ Α, (προφέξῃσεν Ζ, προφέξῃσεν Σ. 'Itera σ in proo a manu recentiore deleta' Dind.).

μεθυσάμενοι μιαν οἰκείαν διέλμενοι ἔχουσιν, προοικίαις καλοῦμεν, ὅρων δὲ εἰς θνοκές, οἰκίαν.

Παμβωτάδη.] Harpocratio.

Δημοσθένεις ἐν τῷ πρὸς Νικώτρατος. Παμβωτάδη τῆς Ἐρεχθηδος ὅμως. Suidas gives the name of the deme as Παμβωταί. On προφέξῃσεν, 'introduced,' cf. Or. 87 (Pant.) § 11.

ἐπὶ οτιδ' ὀβολοῖς τῆς μνᾶς τοῦ μεγᾶς ἐκάστου.] 'Who lent me the money at an interest of 8 obols per mina per month,' i.e. 12 × 8 obols per 600 obols (or '16 per cent.'), per annum. When the interest is quoted at so many obols per mina per month, we have simply to double the number of obols to find the rate per cent. per annum. Thus επὶ πέντε ὀβολοῖς is 10 per cent.; again επὶ δραχμῆς (i.e. ἐφ' ἀπὸ οὐκολοί) is 12 per cent. and επὶ τρίτη ἡμισέλης (i.e. 2½ obols per mina per month) is 6 per cent. per annum. From 12 to 18 per cent. appear to have been the commonest rates of interest at Athens. (For this, and another Athenian method of reckoning rates of interest, see Donaldson's Greek Grammar ad fin., or Dict. Antiq. s. v. Fenus.)

§§ 18 cont.—15. As soon as he had got the sixteen minae, so far from being grateful, he actually laid a plot to rob me of them, calculating on my being driven by my youthfulness and inexperience into foregoing the attempt to recover the money which he owed me. First, as I was then engaged in lawsuits against my relations, he made overtures to them and pledged himself to make common cause with them. Next, as he was acquainted with my proposed pleadings, he disclosed them to my opponents, and further got me condemned to pay a fine in a case for which I had never really received a summons, though he fraudulently entered the name of his brother Arethusius as one of the witnesses to the summons alleged. Moreover, in the event of my bringing to a preliminary hearing the lawsuits which I had obtained leave to institute against my relations, they were preparing to inform against me as a debtor to the treasury and to get me thrown into prison. Again, Arethusius actually got me condemned as a debtor to the treasury, made a forcible entry into my house and carried off all my furniture, though it was worth far more than the 'debt' in question.

οὐχ ὅρως.] non modo non. Lit. I do not say that he did, (because he did not do it). Trans. 'so far from making any grateful return, &c.'

P. S. D. II. 10
νέος ὁν ὃ τι χρησάμην, καὶ ἀπειρός πραγμάτων, ὅπως μὴ εἰσπράττοιμι αὐτὸν ταργύριον ὅ ἡ συνοικία ἔτεθη, 14 ἀλλ' ἀφεὶν αὐτῷ. πρῶτον μὲν ὃν ἐπιβουλεύει μοι μετὰ τῶν ἀντιδίκων, καὶ πίστιν αὐτῶς δίδωσιν ἐπετη' 125 ἀγώνων μοι συνεστηκότων πρὸς αὐτοὺς τοὺς τε λόγους ἐκφέρει μου εἰδῶς, καὶ ἐγγράφει τῷ δημοσίῳ

w καὶ ἐγγράφει ἘΦ. om. Σ.

8 τι χρησάμην.] 'What to do with (how to treat) the matter.'

Τ' ἀποστέφθει...καὶ ἀπορομένος ἔγω κ.κ.λ., διὸς μὴ εἰσπράττομι.] διὸς μὴ is somewhat out of place, indeed διὸς is really superfluous, as the whole sentence depends on the particle of purpose ὥστε.

14. τῶν ἀντιδίκων.] Referring principally to his opponent Phormio, (cf. § 9, διαφόρος ἔχειν τῷ Φορμίων, and § 14 ad fin. τῶν ἱερεῶν τῶν ἀδικοῦτων με.), but a litigious person like Apollodorus doubtless had many such opponents, even apart from those whose lawsuits are expressly recorded in the orations that have come down to us (see Or. 36 § 53).

τοῦ λόγου ἐκφέρει μου εἰδῶς.] 'Divulges my arguments, with which he was acquainted.'

ἐγγράφει τῷ δημοσίῳ ἀπρόκλητον κ.τ.λ. Lit. 'registers (against me) for the state-treasury an unsummoned fine of 610 drachmae arising from production of property in court,' i.e. 'enters me as a state-debtor to the amount of 610 drachmae, demanded from me without formal citation, as a fine for non-production of property in court;' or, as Prof. Kennedy renders it, 'registers (against me) a fine to the treasury...upon a writ of exhibit of which I had no notice by legal summons.'

The note on this sentence in Jerome Wolf’s edition of De mosthenes (A.D. 1547) deserves quotation not only as a signal instance of modesty and candour, but also to illustrate the difficulties that embarrassed a commentator in the sixteenth century, owing to the inadequacy of the books of reference then accessible. 'Sententia quae sit, Oedipus divinit. Me et Budaecus (sc. Budaeci commentarii linguae Graecae) et lexica Graeca Latinae omnia destituntur. Quaesivi ἀγᾶκης (sic), quaesivi έμφάνης, quaesivi κατάστασις, quaesivi εἰ ἐμφανῶν καταστάσεως. Sed aut muta aut apopodións omnia. Doctiores, si boni viri sunt, explicant potius, quam me sugillanto.'

Before entering on the details, it may be well to explain the general drift of the passage. Apollodorus is engaged in a variety of lawsuits in one of which we must suppose that he was alleged to be in possession of certain articles, probably documents, either actually belonging to one of his opponents or such that the latter had a legal right to demand production of them for purposes of inspection. The proper course on the part of Nicostratus, who had made common cause with one of these opponents, would have been to serve Apollodorus with a summons or citation, duly.
attested by witnesses, requiring him to produce the articles in question. If Apollodorus had, without assigning a legally valid reason, refused to do so, Nicostratus would have been entitled to have a fine levied on Apollodorus and to get him entered as a debtor to the state for the amount of that fine. Instead of this, it appears that Nicostratus served no citation on Apollodorus (the εμφανις was ἀφέσκλητος), thus giving the latter no opportunity for shewing cause against the production of the articles demanded; he then proceeded to obtain a verdict against his opponent and to have him registered as owing 610 drachmae to the public treasury.

ἐγγραφεῖν. ‘registers (against me).’—a common term for a formal entry or registration, especially of a debt or fine. Or. 43 § 71 κατα τοίς ἐγγραφούσιν ὁ δραχμα ἀρχέτος τῶν ἐγγραφωτέων (the Collectors) τῷ ὑποκείμενῳ γίγνεται. Or. 27 § 38 προσεξαγεῖται ἄριστα ἐπίκειται. Or. 25 (Aristog. a) § 4, ὀφείλεται ὑπὸ δομοσκόπου καὶ ἐγγεγραμμένον ἐν ἄρκεσυ (cf. ib. § 70, ἐγγραφοῦσιν πάντες οἱ ὀφειλοντες, ἀρα 8' ἀναίτι ἡ παρὰ τῆς θείης κειμένη).

τῷ ἐνδικτῷ. ‘For τῷ δημοσίῳ in the sense of τῷ κουσὶν ‘the treasury,’ cf. Isaens. Or. 10 § 20 ἔκει τῇ ἐνδικτῇ πρὸ τῇ δημοσίῳ συνήθει. Meid. § 182 and Deinarchus, Or. 2 § 2, ὀφείλει τῷ δημοσίῳ. See Or. 39 (Boeot.) § 14.

ἀφέσκλητος. This is the reading of the codes Augustanum primum (A'), first accepted by Reiske for the vulgata lectio ἀφάσκλητον which is unintelligible. ἀφέσκλητος ἐπισοληφός ‘a fine without a citation,’ here means ‘a fine inflicted in a case for which no citation has been issued.’ Similarly infra § 15 ἀφέσκλητον δέκα and Meid. § 92 τῆς κατὰ τῷ διαγγελτίῳ γήμου, ἢν ἀφέσκλητον κατασκεύασεν, αὐτός κυρίως δικαίως πέτοιμαν.

ἐξ ἐμφανίων καταστάσεως κ.τ.λ.] ‘a fine upon a writ of exhibit, by reason of (arising out of) an ἐμφανίς κατάστασις, i.e. a case of formal production of property in court.’ Isaens. Or. 6 § 51, ἀρίστη τῷ Ποιόδορῳ τῷ γραμματεῖῳ καὶ προσκελεσίῳ εἰς ἐμφανίων κατάστασιν, καταστάσις δὲ ἐκείνῳ πρὸς τὸν ἐργατέα, ἐπειδή δὲ βουλεύτη ἀνελέγεται τῇ διαθήκῃ. Dem. Or. 66 § 3 τὸ ἐνέχυρον καταστάσιν εἰς τὸ ἐμφανίς. ib. § 38, ἐκ μὴ παρασχεῖ τὰ ὑποκείμενα ἐμφανίς. Or. 52 § 10 πάροχω δὲν ἄκουσαν ἐμφανίς καταστάρᾳ τῷ χρήματι. Cf. the Roman exhibitio (Ulpian, Digest, 29. 3. 2, exhibitio tabularium testamenti); and actio ad exhibitendum (Ulpian, Digest, 43. 29. 1, exhibere est in publicum producere). Hence comes our common legal term, an exhibit or writ of production. With ἐμφανίς καταστάρα, we may further compare our ordinary phrase sub panne duces tecum, used when a solicitor (for instance) holds a document which the court can require to be put in, for the furtherance of the ends of justice.

ἐπισοληφός] Harpocr. ἐπισοληφός ἡ ἰστια. Lysias, Or. 20 § 14 ἐπισοληφός, ἐπισοληφός ἐπισοληφός καὶ ἴστιας ἤρμοντες, and ib. Or. 30 § 8. ἐπισοληφός is Beisie's certain cor.
ποιησάμενος τὴν δίκην. κλητήρα δὲ κατ᾽ ἐμοῦ τὸν τέκνον τὸν αὐτοῦ? Ἀρεθοῦσιον τούτου ἐπιγράφεται, οὐτέρος ἔστι τὰνδράποδα ταῦτα, καὶ ἄλλον τινὰ καὶ παρεσκευάζοντο, εἰ ἀνακρινοῦμεν κατὰ τῶν σικέλων τῶν ἀδικών με τὰς δίκας ἃς εἰλήχευεν αὐτῶι, ἐν- 15 δεικνύει μὲ τὰ καὶ ἐμβάλλειν εἰς τὸ δεεμαθήριον. ἔτι δὲ πρὸς τούτοις ὁ Ἀρεθοῦσιος καὶ ἀπρόσκλητον μου ἐξακοσίων καὶ δέκα δραχμῶν δίκην καταδικασάμενος ὡς ὀφειλόντος τῷ δημοσίῳ, κλητήρας ἐπιγραφάμενος καλ.

*Bekker.

ομ. Z cum Σ (prima manu). 'τε in margine a manu prima Σ,' Dind.

7 Bekker cum Aut. + τὸν Z cum ΦΣΦ.

ἐνδεικνύει μὲ [ὃς ὀφειλόντα τῷ δημοσίῳ] Z (Sauppe). ἐνδεικνύει μὲ Bekker. 'cf. § 15 l. 3. fortasse verbā ὡς—δημοσίῳ etiam hoc loco a grammatico addita sunt' Z.

a Bekker.

δ Ἀρεθοῦσιος om. Z (Sauppe).

b om. Bekker cum libris. addidit Ulrichs. ἔδακρυσιν ἐκάντων kal] δέκα Z.

cum Reiskio Bekker.

ὡς ὀφειλόντος τῷ δημοσίῳ om. Z (Sauppe). ἐνδεικνύει μὲ.

reception for ἐπιστολήν, a mistake possibly due to τὴν ἐπιστολήν in the middle of the next section. Another instance of the same confusion may be noticed in Isocr. Paneg. § 148 διαμαρ-

tῶν τῆς ἐπιστολῆς where the best ms wrongly has ἐπιστολῆς.

διὰ Ὀμίλου...ποιησάμενος τὴν

ἐπιστολήν.] 'having got the case

brought on by means of Ly-

cidas,' who as the tool of Nicos-

tratus was either a merely no-

rnal prosecutor or possibly a

venal arbitrator. For this use of διὰ referring to a mere 'cat's-

paw' see note on Or. 45 § 31.

κλητήρα...ἐπιγράφεται.] 'enters

as witnesses.' Meid. § 87 κλητήρα οὐδ᾽ ὄντων ἐπιγραφά-

μένος and Or. 54 § 31 ἐπιγρά-

φεται μάρτυρα, i.e. 'endorses on

the deposition the names of certain persons as witnesses.'

ἐνδεικνύει...τὰς δίκας.] 'in

the event of my bringing to a

preliminary hearing the suits

which I had instituted against

my relatives (Phormio, &c.) who

were doing me wrong.' Harpocr.

ἀνάκρισις ἐστὶν ἐξήγησιν ὡς ἐκ-

ἀρχῆς γενομένη πρὸς τῶν δικών

περὶ τῶν συντειχῶν εἰς τὸν

ἀγώνα ἐξήγησις δὲ καὶ εἶ ὂνο

εἰσάγειν χρῆ.

ἐνδεικνύει μὲ. 'to lay an in-

formation (ἐνδείξεις) against me'

for undertaking a prosecution,

while still a debtor to the treas-

ury. Or. 58 (Theocrit.) § 14
cελεβεὶ (ὁ νόμος) κατὰ τὸ τῶν

ὀφειλόντων τῷ δημοσίῳ τὰς ἐν-

δείξεις τῶν Βούλων τοιαύτης τῶν

πολιτῶν... By ἐνδείξεις is

meant a criminal information

against a person acting when

under legal disability. It was

brought in writing before the

Archon and was a very sum-

mary process. (Cf. Or. 39 § 14

and Pollux there quoted.)

15, ἀποφακτιοῦσι δικηρ.] Ησ-

συχίου, ὥσ τυχοῦν τῶν κα-

κολομένων κλητόρων κατὰ τὸν ψ.
eiσελθὼν εἰς τὴν οἰκίαν βία τὰ σκεῦη πάντα ἔξεφορησε, πλέον ἢ ἔκοσι μνὸν ἁξία, καὶ ὁδὸν ὑπονόησεν. ὅτε δὲ τιμωρεῖται φῶνα δεῖν καὶ ἐκτίσας τὸ δημοσίον τὸ ὄφλημα, ἐπειδὴ ἐπιθύμην τὴν ἐπιβουλήν, ἐβάδισον ἐπὶ τὸν κληρῆρα τὸν ὁμολογίαν κεκλητεύκειν τὸν Ἀρεθούσιον τῷ ψευδοκλητεῖας κατὰ τὸν

Bekker. κεκλητεύκειν, τῶν 'Ἀρεθούσιον, Ζ συμ ΣΦ.

μοι καὶ διὰ τοῦτο ὡκὴ ἐισ-

καὶ τὰ σκεῦη πάντα ἔξεφορησε.] ἄρχων, καὶ ἐν ἀνθρώποις.

‘carried out all my furniture’ (i.e. distraint upon me for my alleged debt). Or. 22 (Andr.) § 57, βαδίζων ἐτὸς οἰκίας καὶ σκεῦη φέρων μὴν ἄραὶ ἐν αὐτῶν.

Aretiusus seized property worth more than 20 minae, although the ‘debt’ amounted to little more than six. (610 dr. = 6 m. 10 dr.)

§§ 15—18. On my proceeding against Aretiusus for fraudulent citation, he came into my property at night and laid waste my orchard with all its fine fruit-grafts, its vines and its olive-trees. Further they put up a boy of free birth to go in broad daylight and pluck the flowers of my rose-bed, hoping I would mistake him for a slave and strike him, and thus make myself liable to an indictment for assault. In this they were disappointed. Thereupon, as soon as I had brought to the preliminary stage before the magistrate my indictment of Aretiusus for fraudulent citation, and was on the point of taking it before the jury,

he lay in wait for me when I was coming up from the Peiraeus late at night and violently assaulted me, and was only prevented from dashing me into the quarries by some people hearing my cries and rushing to the rescue.

Not many days after, I brought my case before the jury and with the greatest case got Aretiusus convicted. Though the jury proposed to condemn him to death, I begged them to acquit him in the penalty proposed by my opponents themselves, a fine of one talent.

But—[ἐβάδισον.] lit. ‘When I thought it my duty to avenge myself, and on hearing of the plot, was proceeding, after payment of the debt, to take measures against Aretiusus, &c.’ In translating the whole sentence it is convenient to omit ὅτε, to render ἔκοσι and ἐβάδισον as principal verbs, and to begin a new English sentence with the first words of the apodosis, ἐλθὼν εἰς τὸ χωρίον κ.τ.λ.

καὶ ἐκηρέας... ἐβάδισον.] This is the reading of the Paris ms Σ. Bekker adopts ἐκηρέας...καὶ ἐβάδισον, which gives us a rather less compact construction.

τῶν 'Ἀρεθούσιων.] to be taken in opposition with τῶν κληρεία.

The Zurich editors adopt the reading τῶν 'Ἀρεθούσιων found in the Paris ms Σ and another
good ms (φ). But the words in the text may after all be only an interpolated explanation of the κλήτηρα (cf. § 10).

The genitive is here used after βαιδίζων ἐπὶ τινα on the analogy of the construction commonly found after διώκειν, εὐδαιμείν, and εὐεξέρχεσθαι (in the legal sense). Plato, Leg. 886 β, ἠτέχνω πόνον τῷ κτένωτι. Or. 49 (Ἀπολλοδόρου). Timoth. § 56 μή...ἐπὶ τόδε κακωτεχνίων ἥλωμι. The phrase βαιδίζεσθαι ἐπὶ τινα is also found (though not in any legal sense) in Plutarch's Theseus, 7, ἐπὶ τοὺς παπαχοὺς τωπηρὸν βαιδίζεσθαι καθαρεὺς γῆν καὶ θελαταν (of Hercules).

ὅσα ἐνῷ φυτὰ—διαβείειν. The cut off all the choice fruit-grafts that were there, and the trained vines besides; he also broke down the nursery-beds of olive-trees set in rows around my plantations, making worse havoc than would ever be made, even by enemies in war.

The primary sense of the word is 'fruit,' the secondary 'fruit-trees.' Though used in early writers of any edible fruit, later authorities restrict it to the hard-shelled varieties alone. Compare the distinction quoted from Galen in the Gephyonica χ. 74. 4, Ὁρφεὺς ἀκρόδρων τάσαν ὄπωραν καλείς. Γάλληνος δὲ καὶ οἱ τὰ φυτουργικὰ συνταξάμενοι ἀκρόδρων φασὶ τὰ σκέτην χοῦντα, οἶνον ῥοιας, κάρυνα, σαμπηδάς καὶ τί τι δέντος (pomegranates, nuts, almonds and the like), ὀμφαρὸς δὲ τὰ ἄκροτην ὡς μῦλα, ἀχίου καὶ τὰ δέμα (apples, pears, &c.). In Xenophon, Oeconom. 19 § 12, we have τὰλλα ἀκρόδρων πάττα after mention of vines and fig-trees, and in Plato, Critias, 115 β, τῶν ἄμερον καρπῶν, τῶν τε ἄρην (different kinds of grain)...καὶ τῶν ὅσον ἔσοι ἔλινοι (fruits of hard rind).

The etymological formation of the word, referring as it does originally to what we may call the 'tree-tips,' or the fresh growth at the furthest extremities of the branches, may be illustrated by the passage in Heiod's Works and Days 231, οὗρει δὲ ἄρτῳ ἀκρη μὲν τε φέρει βάλανος, μέσῃ δὲ μελέτας, and Theocritus, ἡν. 112, πάρ δὲ οἱ ἄρα κεῖται, οὐδε ἄρα ἄρα φέροιτι.

[It seems to me that ἀκρόδρων meant trees which produced fruit chiefly on the upper boughs, as distinguished from vines, from which the grapes hang in clusters nearer to the ground. The edible acorn, βάλανος, may have been specifically so described, if we limit ὄποιον to the sense of 'oak-tree.' P.]

γεναία. 'Of a choice kind,' 'of a good stock.' Plato, Leg. 844 β, τῶν γενείαν τῶν λογομένων σταφυλίν ὁ τα γενεία σύκα ἑπομαιδέμεναι ὑπομηλεῖ. (Cf. nobilis in Martial iii. 47. 7, frutice nobili caules and as an epithet
of uns ib. iv. 44. 2 and olivae n. 76. 19.) Athenaeus, xiv. § 68 p. 653. γενναία λέγει ἐφιλόσοφος (so Plato ν. 4.), ὡς καὶ Ἄρχισσος τῆς δημοκρατίας γαρ εἰς ἅ τι ἐκεῖνημένα, ὁτα πάντα ἐκείνα, ἀλλὰ ἡ Ἀριστοτέλες καὶ ἐκεῖνοι διά τίνων ἀναφέρεται τὸς εὐεργετικὸς. (The second explanation is clearly wrong. I only cite it to illustrate the next note.) ἐμπλωμάτων, 'grafted.' Harpocration ἀν. ἀντι τοῦ εὐκεκλησμένου Δημοκρίτου ἐν τῷ πρὸς Νικόστατον καὶ Ἀριστοτέλεν 3 ἐμβόλος διὰ τίνων λέγει τὰ τιμώτα. ἄμαλλάνθρακος.] 'trained vines' growing on trees, 'tree-vines.' The climbing vine is contrasted with the ground-vine of Lesbos in the Pastor of Longus, πι. 1 πάσα κατὰ τὴν δέσσιν δύτερος τάκτους, τῷ μετέφορος ὑδάτη ἀναδενδράσθη, ἁλλὰ κατὰ τὰ κληρωτὰ ἀναδενδράσθη καὶ ὑπὸ πτωτοῦ γεμίσεται. Cf. Polyb. xivv. 11. 1, ἀναδενδράσθη ὁνομαζόμενος καὶ Geoponica v. 61, ἀναδενδράσθη, also Strabo ν. p. 281, τὸ δὲ Καλλικράτους (Caes. ibidum) ἀναδενδροῦται διὰ εὐωνυμίας Δυσταυρίου τρέφει τὴν δέσσιν. Columella v. 1. 8, vitis arbustina, and Pliny N. H. xvii. 23 § 199 sqq. nobilia vina non nisi in arbustis gigni. The best trees for the purpose were, according to Pliny, the elm (amicta vestitus ulmo) of Hor. Ep. i. 16, 8) and the poplar; next to these the as, the fig-tree and the olive. (See further St John's Manners and Customs of Ancient Greece, π. 344—5.)
ψαντες διὰ το οιτίτωνες εἶναι καὶ δυσμον το χωράων εκελένον τὴν βοδωνίαν βλαστάνουσαν εκτίλλειν, ἵν', εἰ

quotes a 'law of Solon' ἀπὸ τὴν Ἀθηναίων ἐλεήθερον παιδία ἴδρυσιν, γραφεῖσθαι δ' κύριοι τοῦ παιδὸς πρὸς τοὺς θεσμοδέτας... ἐσόχα δὲ ἔτοσαν παιδία ταῖς αἰρείσι καὶ οἱ εἰς τὰ οἰκειότατά σώματα ἐξαιρετώτατα, and similarly Dem. Meid. §§ 47–48. According to these two passages, it was permissible to institute a γραφή ὄβρεως even for outrage done to a slave, and though the text appears at first sight to imply that in such a case an indictment could not be brought, yet all that is necessarily meant is that if the lad maltreated were free born, the indictment (however unjustifiable in the present instance) would have been easier to bring forward than in the case of a slave. (Becker's Charicles iii. p. 31–32; p. 867 of English Abridgment. Hermann, Privatart. § 60).

ἐκέλενον—ἐκτίλλειν.] 'prompted him to pluck off the flowers of my rose-bed,' (ἐκέλενον 'put him up to...,' 'persuaded him' cf. § 7.) [ἐκτίλλειν is perhaps 'to pick off the young shoots as they were growing.' P.].

The Rhetorician Hermogones quotes the phrase τὴν βοδωνίαν ἐκτίλλειν as an instance of ἀφέλεια (Spengel, Rhetores Graeci ii. 858) and Harpocrates has the following article, ἁρπωνικὴ δημοσθενὴ ἐν τῷ περὶ τῶν Ἀρε-θούνιαν ἀδρακόδων. βοδωνία ἐστὶν ἡ τῶν βόδων φυτεία ἀκτερ λοιπὴ ἡ τῶν λων, ὁς ἐκκατιῶν ἐν ἀ περιπηγήσεις δηλοῦ. Similarly Pollux i. 299 who gives ἡ αὐτὴ as the only parallel he can remember to the formation of the word βοδωνία (cf. rosaria, violaria).

To a modern reader, the mention of a rose-bed is immediately suggestive of a pleasure garden, but whether we look to the character of its owner who seems to have been a dry man of business and little more, or to the context with its fruit-trees, its vines and its olives, we are driven to the conclusion that his roses were mere articles of trade, grown to be sold in town for crowns and garlands. Just so, among the blessings of Peace, in the Pax of Aristophanes, 577, we find 'the violet-bed beside the well' mentioned in the very same breath as 'cakes and figs and myrtle-berries, sweet new wine and olive-trees.'

The Greek appreciation of the rose seems to have been mainly utilitarian. Thus it is under the head of στεφάνωματα that Theophrastus dilates on the many beauties of the rose and on its numerous varieties (κλῆ-θεί τε φύλλων καὶ ὀλυγύτητι καὶ τραχύτητι καὶ λευτήτη καὶ χρυσῆ καὶ εὐσμήν. Hist. Plant. vii. 6). To the Greek, says Ruskin, 'a rose was good for scent, and a stream for sound and coolness; for the rest one was no more than leaves, the other no more than water' (Modern Painters iii. 4. 13 § 19). It is indeed a noteworthy fact, attributable partly to the insignificance of the Attic flora, and still more to the defective development of Greek taste in this particular, that in what is known as the best period of Greek literature there is scarcely a single instance of a refined appreciation of the attractions of a flower-garden. One of the rare
exceptions is the mention of ευθέως in Ar. Aves 1067. The passage in Eur. El. 777 καὶ δὲ επὶ τοὺς ἐγκαταράκτους βεβαίως, δρόμων τερετίσματα μυρώνθισσαν χάρι πλάκων is hardly an exception, as the epithet ‘well-watered’ is somewhat prosy, and the context shows that the only reason why Aegisthus is in his garden is for the purely practical object of making himself a myrtle-wreath for his sacrifice to the mountain-nymphs. (Cf. Becker’s Charicles p. 203—4, esp. l. p. 349 seq. of the last German ed. with the excellent addenda of K. F. Hermann; also the latter’s Privatalt. § 15 note 29; St John’s Manners and Customs of Ancient Greece, l. 301—334, esp. p. 304, 305; Buchsenschütz, Besitz u. Erwerb p. 72, and M. J. Schleiden, die Rose.)

17. ἀνακεκριμένοι.] passive form in middle sense. (§ 14 ἀνακεκριμένοι τὰς δίκες) ‘when I had brought to the preliminary examination my indictment for false citation, &c.’

τηρόμας—ἐθούθομαν. ] The attack reminds us partly of the murder mentioned by Cicero, pro Cluentio § 37, in arenarias quandam extra portam Esquillinam percutit occiditur. The quarries referred to in the text were possibly near the Museum hill where the Long Walls leading to the Peiraeus strike the wall enclosing Athens itself, or still more probably at a point immediately outside the άρτος, south of the Peiraeic gate of Athens. In the excellent Atlas von Athen by Dr E. Curtius, the third map indicates ‘recent quarries’ at this point, just north of the ancient βαρβαρία.

καὶ ἔδοθε.] The ms have καὶ ἔδοθε: ‘struck me with his fist and gripped me round the waist and was pushing me into the quarries, had not some people, hearing my cries, come up and rescued me.’ This is more graphic than the sense given by Schaefer’s emendation καὶ ἔδοθε and may be compared with the use of the inde. in such passages as Horace Od. ii. 17, 28, me truncus illusurus cerebro sustulerat nisi Faustinus letum exstra levasset.
άκουσαντες, παρεγώντο καὶ ἐβοήθησαν. ἡμέρας ἀ=
οῦ πολλάς ὕστερον εἰσελθὼν εἰς τὸ δικαστήριον πρὸς
ἡμέραν διαμετρημένην, καὶ ἐξελέγχας αὐτὸν τὰ
ψευδή κεκλητευκότα καὶ τὰ ἄλλα ὅσα εἴρηκα ἢδην
κότα, ἐπειδὴ καὶ ἐν τῇ τιμήσει βούλομένων τῶν δικα-
στῶν θαινότω τιμήσαι αὐτὸ, ἐδείξαντες ἐν ὅγῳ τῶν δικα-
στῶν μηδὲν δὲ ἐμὸν τοιούτον πράξαι, ἀλλὰ συγχω-
νέω." Εἰς ἡμέραν Bekker cum Λκτ. + μὲν Z cum BF et editione Aldina
(ἐδείξαντες ΖΦ).

eisellothari...pròs hmerôn diame-
trwménh.] 'having entered
into court upon a day divided
out among several causes,' i.e.
the day on which I came into
court was allotted to several law-
suits, and the number of mo-
tions was so great that the time
at my disposal was therefore
very limited. Apolodorus wishes
to indicate the ease with which
after a necessarily short speech
he had got a conviction against
Leg. § 126, ἐνθεξάτο δὲ τὸ λοι-πτὸν μέρος τὴν ἡμέρας ταύτα πράξαι
(i.e. βασανίσαι), πρὸς εὐθέκα γάρ
ἀμφορίας ἐν διαμετρήματι τῇ
§ 120, δε γὰρ ἀγώνας καίνον
ὁμάτιον δράματα, καὶ τούτους ἀμφο-
ρίους πρὸς διαμετρήματι τὴν
ἡμέραν αἱρεῖς διώκως, ἐβιβάζων
ὅτι τάξινος εἶ τις. Harpocr. σ.γ.
μέρος τί διάτοτο ἡμέρας πρὸς δια-
μετρήματον ἡμέρας μέρος δὲ τῶν
diameptrōn δὲ τῷ Ποσειδώνι...i.e.
the standard length of time
for calculating the measure-
ment of the Clepsydra was taken
from a day near the end of our
December. The length of the
twelfth part of the day would
vary with the time of the
year, and the running out of the
water would indicate the lapse
of a particular portion of the
whole day. Thus the water-
clock might indicate a time
equivalent to (say) the fourth
part of the shortest day (Dec. 21)
and this length of time might
be taken as a unit of the mea-
surement during the rest of
the year. (See Heslop's note
on Fals. Leg. i.c.)

τὰ ψευδή κεκλητευκότα.] Harpocr.
ψευδοκλητεία διόμενο δική
ἔστω, ἢν εἰσόσχος ἐγγυήχραμένοι
ὄφειλεν τῷ δημοσίῳ, ἐπειδὴ αἱ
τιμῶν του τις ψευδῶς κατεσκευα-
σθαι κλητήρας καθ' ἑαυτῶν πρὸς
τὴν δίκην ἀφ' ἦν ὕπολοκ.

18. ἐν τῇ τιμήσει.] In an ἄγων
τιμῆσαι, the declaration of the
first verdict, that of condemna-
tion, was followed by the τίμησις
or fixing of the penalty, with the
ἀρτίμησις, in which latter the
defendant on his part submitted
to the court an alleviation of
the penalty claimed by the
plaintiff. (Plato Apol. p. 36 A.)

τιμῆσαι......τίμιωτο.] The
active is used of the court, the
middle of the parties to the suit
(ἀόρατος, the defendant
Arethusius and his friends),
Plato Apol. p. 38 Α. εἰ μὲν γὰρ
ἡν χρῆμα, ὡσεὶ Socrates, ἐτε
μησάμεν ἢν χρημάτων δοῦν ἡμε-
λόν ἐκπίεσαι· τό τι δὲ ἦν ἡμῖν,
el μὴ ἔρα δοῦν ἢν ἐγὼ διώκωμων
ἐκτίων τοιούτων δοῦν τοιούτων
(οἱ τοιχοί). 

δὲ ἐμοῦ.] 'through my agency,'
ρήσαι δοσώσῃ αὐταί ἐμιμαόντο, ταλάντου, οὐχ ἵνα μὴ ἀποθάνῃ ὁ Ἀρεθύσιος (ἐξία γὰρ αὐτῷ θανάτον εἰργαστὸ εἰς ἐμέ), ἀλλ’ ἵν’ ἐγὼ Πασίωνος ὁν καὶ κατὰ φήμισμα τολίτης μηδένα Ἀθηναίων ἀπεκτοτως εἶν. ὡς δ’ ἀληθῆ εἴρηκα πρὸς ὑμᾶς, τούτων ὑμῖν μάρτυρας πάντων παρέχωμαι.

ΜΑΡΤΤΡΕΣ.

19. 'Α μὲν τοινύν ἀδικούμενος, ἢ ἄνδρες δικασταί, ὑπ’ αὐτῶν τὴν ἀπογραφὴν ἐποιησάμην δεδήλωκα ὑμῖν’ ὡς δ’ ἐστιν Ἀρεθύσιοι ταυτότητα ταῦτα καὶ διὰ ἐν τῇ οὖσίᾳ τῇ ἕκεινον ἀπόγραφα ἐπιδείξω ὑμῖν. τὸν μὲν γὰρ Κέρδωνα ἐκ μικροῦ παιδαρίου ἐξεθρέψατο καὶ ὡς ἴν Ἀρεθύσιο, τούτων ὑμῖν τοὺς εἰδότας μάρτυρας παρέχομαι.

'On a prosecution of mine.' Reiske conjectures δ’ ἐμὲ, 'on my account,' which would also make good sense, though disapproved by Dobree, who refers in support of δ’ ἐμοὶ to Or. 51 § 17 ὡσπερ...χάριν τιθημένων διὰ τῶν τοιούτων τοις ἀμελεύσαιν ὑμῖν’ ἀλλ’ οὐ διὰ τῶν βελτίων τοῖς ἀπροέτοις ἄ δει χαρτεύαντας προσεχόν.

Πασίωνος ὡστὶ ἰ.e., the son of one who, originally a banker’s slave, had received the citizenship by adoption. Neither the father nor the son was a citizen by birth, and it would have been peculiarly invidious had the latter compassed the death of one who was by birth a citizen of Athens.

§§ 19—21. Having now recounted some of the wrongs done by Arethusius and his brother Nicostratus, I will call evidence in detail to prove that the two slaves entered by me in the specification do not belong to Nicostratus who is now attempting to claim them, but are really part of the property of Arethusius and are thus liable to be confiscated to the state as a partial payment of his debt to the treasury. § 19. At this point the speaker, after having shown the reasons which justified him in regarding Arethius as his enemy and exacting vengeance from him, reaches the real point at issue, viz. the proof that the slaves specified in the schedule belong to Arethius, and not, as is alleged, to his brother Nicostratus.

τὸν μὲν γὰρ Κέρδωνα.] contrasted with τὸν δὲ Μάρτρυ εἰς § 20. Κέρδων is a slave-name expressive of knavish cunning (cf. ἡ κέρδω ‘the wily one,’ i.e. 'the fox'). Digest. xxxviii. 1. 42 Cerdonem servum neum ma-numi-ti volo (quoted by Mayor on Juv. 14. 153 tollat sua munera Cerdo).

ἐκ μικροῦ παιδαρίου.] Plat. Symp. 207 ὃ ἐκ παιδαρίου, Or. 59 (Apoll. κατὰ Νεάπας) § 18,
Παρ’ οίς τούνων εἰργάσατο πῶποτε, ὅσ τοὺς μι-1253
σθοὺς Ἀρεθούς τοῦ έκομίζετο ὑπέρ αὐτοῦ, καὶ δίκαι
ἐλάμβανε καὶ ἐδίδου, ὅπως κακόν τι ἐργάσατο, ὅσ
δεσπότης ἦν, τούτων ὑμῶν τοὺς εἰδότας μάρτυριαν
παρέξομαι.

ταῦτας παιδεύκας ἐκ μικρῶν παι-
δίων ἐκθήματο, καὶ συμμετέχετε καὶ οἱ παι-
δίων μετομένων, ἐκ νεόν, ἐκ μεγαλὸν.
20. τῷ οἴς τούνων—δεσπότης
ἐκ τοῦ μετομένου τοῦ παιδίων παρ' ἐκείνῳ τῷ
παιδίων παρὲκολουθεῖν. 'Ι τί κ. "Ερεθούς ἂν
ἐκομίζεσθαι τοὺς τεκτονίτες τοὺς κάποιοι τοῖς
τοῖς μεθοδοὺς παρ' ἐκείνου τῷ
τούς εἰργάσατο πῶποτε ὁ Κέρ-
δων κ. τ. λ. "Ι τί κ. "Ερεθούς ἂν
ἐκομίζεσθαι τοὺς τεκτονίτες τοὺς
τοῖς μεθοδοὺς παρ' ἐκείνου τῷ
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Πειραεῖ, ἐπειδὴ οὐχ ὠδός τ' ἦν αὐτῷ ἀποδοῦναι ὁ Ἀρχέτολος οὔτε τόν τόκον οὔτε τὸ ἀρχαῖον ἄταν, ἐναπετύμησεν αὐτῷ. καὶ ὅτι ἀληθῆ λέγω, τούτων ύμῶν τούς μάρτυρας παρέξομαι.

ΜΑΡΤΤΡΕΣ.

21 "Ετι τοίνυν καὶ ἐκ τῶνδε γνώσεσθε, ὃς ἄνδρες δικασταὶ, ὅτι εἰσὶν Ἀρεθούσιον οἱ ἄνθρωποι ὅποτε γὰρ οἱ ἄνθρωποι οὔτοι ἡ ὁπώραν πραίμνον θέρος μισθοῦντο ἐκπρείμαι ἢ ἄλλο τι τῶν περὶ γεωργίαν ἔργων ἀναιροῦντο, Ἀρεθούσιος ἦν ὁ ἀνοίμων καὶ μισθοῦντο τῷ ἀρχαῖῳ, ἄταν ἐναπετύμησεν αὐτῷ ἐκ Ζ καὶ Δινδ. (Oxon. 1846).

for 'slaves' τῶν δ' ἄνθρωπος ἡλίθιον Μανᾶς. See further on Or. 45 § 86.

ἐναπετύμησεν.] Archopolis handed over Manes to Arethusius as an equivalent for part of the debt due to the latter. The nominative to this verb is not Arethusius, the subject of the participle δανείσας, but Archopolis, the subject of the subordinate clause ἐπειδὴ οὐχ ὠδός τ' ἦν. It will further be noticed that, while the verb ἀποτμέω is generally used in the active of borrowing and in the middle of lending money on security, the compound ἐναποτμέω is in the present passage applied to the debtor’s transference of a part of his property on valuation in lieu of direct payment of his debt. The same compound occurs in the passive form in Dio Cassius xii. 87 τὰ ἐνεχύμα πρὸς τὴν ἰδίων ἐναποτιμὴν ἀπέκλειε (i.e. Caesar ordained that the securities on which money had been borrowed should be valued and transferred to the creditors in place of a money payment).

Beiske, G. H. Schaefer and the Zurich editors (as well as Dindorf in his Oxford edition of 1846) place a comma after τὸ ἀρχαῖον, and thus construe ἄταν with ἐναπετύμησεν αὐτῷ, 'handed him over in full payment,' 'paid off the whole sum in the person of Manes.'

21. ὁπώραν πραίμνον κ.τ.λ.] de cor. § 51 τοῦ θεριστᾶ τοῦ ἄλλο τι μισθὸν πράττοντας and τῷ § 262 εὐκα καὶ βούτιν καὶ ἔλθην συλλέγων ὑπερ ὁ πρώτης αἱ ἀλλοτρίων χωρίων. 'Whenever they bought up the produce of an orchard or hired themselves out to reap a harvest, it was Arethusius who made the bargain on their behalf for the purchase or for the wages respectively.' μισθοῦμεν refers back to θέρος μισθοῦν έκπρείμαι, just as ἀνοίμων corresponds to πραίμνον. The latter verb having no present participle of its own, ἀνοίμων commonly takes its place and is so used in the present passage. Cf. note on § 10, where πράσαθαι is followed by ὑεῖσαθαι.
22 "Osas mēn toisn μαρτυρίας παρασχέομαι εἴχον ὑμῖν, ὡς ἐστὶν Ἀρεθοῦσιον τανδράποδα, δεδήλωκα ὑμῖν. Βουλομαι δὲ καὶ περὶ τῆς προκλήσεως εἶπείν, ἵνα οὕτω με προϊκλέσαντο καὶ ἐγώ τούτοις. οὗτοι μὲν γὰρ με προϊκλέσαντο, ὅτε ἡ πρώτη ἀνάκρισις ἦν, φάσκοντες ἐτοιμοὶ εἶναι παραδιδόναι ἐμοί αὐτῷ τανδράποδα βασανίζας, Βουλόμενοι μαρτυρίαν τινὰ αὐτοῖς ταύτην

§§ 22—25. I now propose to deal with the Challenge which my opponents proposed to me, and also with that which I myself proposed to them.

At the preliminary hearing of my case against Arethusius, they put in a Challenge, and offered therein to deliver up the slaves, to be tortured by myself, their object being to claim the Challenge as a piece of evidence in their own favour in the event of my refusing to accept it.

I replied to the Challenge by stating in the presence of witnesses, that since this was not a private but a public cause and since the slaves, as I contended, were the property of the state, it was not for myself to torture them, as I was only a private person; on the contrary, it was a question for the board of police or for certain persons chosen by the Council of the state. On these conditions I was willing to accept their Challenge, and I challenged them to accept my own proposal. They declined my offer.

22. προκλήσεως.] On the subject of Challenges, see Or. 45 § 15.
23 ἀνέσθη. Ἐνώ δὲ ἀπεκρινάμην αὑτὸς ἐναντίον μαρτύρων ὥστε ἐπομόσει εἰς ἕναν ἐς τὴν βουλὴν μετ' αὐτῶν καὶ παραλαμβάνεις μετ' ἐκείνης ἢ μετὰ τῶν ἐνδικεῖ, 1254 ἔγνω ὅτι, εἰ μὲν ἰδίαν ἰδίην ἐδικαζόμην αὑτὸς, εἰ ἐμοὶ ἐξεδίδοσαν, παρελαμβάνον ἄν, νῦν δὲ τῆς πόλεως τῆς τάνδραποδα καὶ ἡ ἀτογραφή· δεῖν οὖν δημοσίᾳ 24 βασανίζεσθαι. ἦγουμιν γὰρ ὅπειρα προσήκειν ἑμοὶ ἰδιώτη ὕποι τοὺς δημοσίους βασανίζειν οὐτε γὰρ τῇ βασάνῳ κύριος ἐγγυόμην οὔτε καλὸς ἔχειν τὰ λεγόμενα ὑπὸ τῶν ἀνθρώπων ἐμὲ κρίνειν1. ἦγουμιν τε· δεῖν τὴν ἀρχὴν οὕτως ἠρμημένους ὑπὸ τῆς βουλῆς γράφεσθαι, καὶ καταστημηναμένους τῷς βασάνους, δέ τι εἴποιενκ

1 κρίνειν Ζ.
κ εἴποιεν Ζ; εἰς εἴποιεν Α.; εἴποιεν Σ.

. 23. el ... el.] Two or even three protases, not co-ordinate, may belong to one apodosis, e.g. Plat. Men. 74 b, el τις σε ἀνέφορο τοῦτο, τι ἐστι σχῆμα; el αὐτῷ εἴπεις δι' ἵστρογυλότητας, εἴς τοι εἴπερ ἄγρι, εἴπερ δῆτοι λόγον ἄν δι' εἰρήμεν τι (Goodwin, Moods and Tenses § 55. 1).

The reiteration of el in the present passage has been considered open to objection; it occurs however in Or. 54 § 15, in an undoubtedly genuine speech of Demothenes (A. Schaefer, Dem. u. s., Zeit, p. 188 and Lortzing, Apoll. 38).

ἐναντίον βασανίζεσθαι.] 'to be questioned publicly,' i.e. 'to be tortured by a state-officer.'

. 24. εἰς τὴν βασάνου κύριος ἐγγυόμην.] i.e. I did not acquire control of the 'question;'—authority over the examination.

εἰς καλῶς ἔχειν] sc. ἑγούμην, 'it was unsuitable, I thought, for myself to decide as to the answers of the slaves.'

. τὴν ἀρχήν] sc. τοῦ ἐνδικεῖ, as appears by comparing § 23, μετὰ (τῆς βουλῆς) ἢ μετὰ τῶν ἐνδικεῖ. Reiske wrongly renders: 'illum Archontem ad cuius tribunal haec causa pertineret, aut delectos a senatu.' Frequently it is the context alone that decides whether ἡ ἀρχή or even ὁ δροχωτες refers to the Archons or to some other public functionaries. Thus in Or. 22 (Androt.) § 26 τοῖς ἀρχοντος ἐφήγου refers to the Eleven, and in Lysias, Or. κατὰ τῶν αὐτοποιῶν §§ 5 —10, ὁ δροχωτες is several times used of the five στροφέλακας in the Peiraeus. On τὴν ἀρχήν for 'the authorities,' abstract for concrete, see note on Or. 45 § 58.

. γράφεσθαι.] 'to have the answers written down,' or 'to take down the answers.' Plato Theaet. 143 Α, ἐγγυόμην ὑπομνήματα 'I wrote me down some memoranda.' This sense of the middle must not be confounded with the technical meaning 'to indict.'

καταστημηναμένους.] 'having sealed up the testimony exorted.' The documents were
οἱ ἀνθρωποί, παρέχειν εἰς τὸ δικαστήριον, ἣν ἀκούσατε ἐκ τούτων ἐγκρίσασθε ὡς ὁμολογήσατε. 25 ἤδη μὲν γὰρ βασανιζόμενοι τῶν ἀνθρώπων ὑπὲρ ἐμοῦ ἀντελέγετ' ἄν ἀπαντᾶ ὑπὸ τούτων, εἰ δὲ δημοσία, ἡμεῖς μὲν ἐν ἐσωπτώμεν, οἱ δὲ ἄρχοντες ὡς ἡ ἡγημονὶ ὑπὸ τῆς βουλῆς ἐβασανίζον ἀν μέχρι οὐδ' αὐτοῖς ἐδόκει. ταῦτα δ' ἐμοι ἐθέλοντο σὺς ἀν ἔφασαν τῇ ἀρχῇ παραδοῦναι, οὐδ' εἰς τὴν βουλὴν ἰθέλον ἀκολουθεῖν. ὡς οὖν ἀληθῆ λέγω, κάλει μοι τοὺς τούτων μάρτυρας.

ΜΑΡΤΤΡΕΣ.

26 Κατὰ πολλὰ μὲν οὖν ἐμοι ἐδοκοῦσιν εἰναι ἀναί-

put into an ἕκβος or 'casket,' which was sealed up and afterwards produced in court and there opened. Or. 54 § 17 ἐπι-

μαρτύνη λοῦ ἐκνου. βασινός, as is proved by the subsequent clause, 'whatever the slaves said,' is here used, not of the torture itself, but of the extorted evidence. Har-

pocr. βάσανος ἀντιφώνοι λίθοι οὐτα καλεῖται, ἢ τὸ χρύσο παρα-

τραβήγμενον δοκιμάζεται. Ἐπερε-

δης δ' ἐν τῷ κατ' Ἀντιού τὰ ἐν
toi βασανοί εἰρημένα ὑπὸ τῶν βασανιζόμενων καὶ ἀναγρα-

φέντα βασάνου ψώμασε. (Ἀνακ-

μενεῖς) ῥητ. κυν. 1, βάσανοι ἑστὶ

μὲν ὀρολογία παρὰ συνειδῶν, ἀκούσα ἔ.

παρέχειν κ.τ.λ.] 'to produce in court' the evidence obtained by torture. The torture itself, it appears, did not take place in court (see note on Or. 45 §16).

Ἀρ.—ἐγκρίσασθε.] For ἂν 'in which case,' cf. Or. 36 § 47. ἐκ τούτων should be taken with ἐγκρίσασθε and not with ἀκούσατε, cf. Or. 45 § 2 ἔξ ὁ (ἀκού-

σατε) ...γνώσασθε.
σχιντοι ἀμφισβητοῦντες τῶν ὑμετέρων, οὐχ ἂνια
de οὐκιντι νῦν ἔπειδήξει εκ τῶν νόμων τῶν ὑμετέρων.
οὔτοι γὰρ, ὅτε οἱ δικασταὶ ἐβούλοντο θανάτου τιμῆσαι
tῶν Ἀρεθούσιον, ἐδέωτο τῶν δικαστῶν χρημάτων τι-
μῆσαι καὶ ἐμοὺς συγχωρήσαι, καὶ ὀμολογήσαν αὐτὸ
27 συνεκτίσεων. τοσοῦτον δὴ δέουσιν ἐκτίνειν καθ' ἃ
ἐγγυήσαντο ὡστε καὶ τῶν ὑμετέρων ἀμφισβητοῦντοι.
καίτοι οὐκ ἐστὶ νόμοι κελεύοντι τὴν ὑποίκιαν εἶναι δημο-
σίαν, ὡς ἐγγυήσαμενος τι τῶν τῆς πόλεως μη ἀπο-
δίδοντά τιν ἐγγύησην ὡστε καὶ εἰ τούτων ἢν ταὐδράτοδα,
προσῆκαν αὐτὰ δημόσια εἶναι, εἴπερ τι τῶν νόμων
διπλοῦ. καὶ πρὶν μὲν διψεῖν τῷ δημοσίῳ ὁ Ἀρε-
θούσιος ὀμολογεῖτο τῶν ἀδελφῶν εὐπορότατος εἶναι:
ἐπειδὴ δὲ οἱ νόμοι κελεύοντι τάκεινον ὑμετέρα εἶναι,
τηρικάυτα πένης ὃν φαίνεται ὁ Ἀρεθούσιος, καὶ τῶν
μὲν ἡ μήτηρ ἀμφισβητεῖ, τῶν δὲ οἱ ἀδελφοὶ. χρὴν δὲ
αὐτοὺς, εἴπερ ἐβούλοντο δικαίως προσφέρεσθαι πρὸς
from fulfilling their guarantee, they are actually claiming your
own property; and the laws declare that the property of persons
who guarantee the payment of a sum to the state and fail to do
so shall be confiscated; so that even on this ground alone, the
laws would require the slaves in question to be state property.
As soon as Arethusius becomes
indebted to the treasury, instead of being, as was admitted in for-
mer days, the wealthiest of the
brothers, he is now made out to
be ever so poor, and part of his
property is claimed by his mo-
ther, part by his brothers, as in
the present instance by Nicos-
tratus.
I must ask you in conclusion
to consider that there will
never be any lack of claimants
to contest your property, and to
defraud the state of her dues, by

P. S. D. II.
υμᾶς, ἀποδείξατε ἀπασαν τὴν οὐσίαν τὴν ἐκείνην, 29 τὰ τούτων αὐτῶν εἶ τις ἀπέγραφεν, ἀμφισβητεῖν. ἕαν οὖν ἐνθυμηθήτε ὁτι οὐδέποτ' ἐσται ἀπορία τῶν ἀμφισβητησόντων ὑμῶν περὶ τῶν ὑμετέρων,—ἡ γὰρ ὀρφανοῦ ἡ ἐπικλήρους κατασκευάσατες ἀξιόσωσιν ἐλεεῖσθαι ὑπ’ ὑμῶν, ἡ γῆρας καὶ ἀπορίας καὶ τροφᾶς μητρὶ λέγοντες, καὶ ὀδυρόμενοι ἐὰς ὅν μάλιστ' ἐπικλήρους ἐξαπατήσειν ὑμᾶς, πεφάσονται ἀποστερήσαι τὴν πόλιν τοῦ ὀφληματος. ἕαν οὖν ταῦτα παριδόντες πάντα καταψηφίσθησθε, ὅρθως βουλεύσοσθε.

ἀποδείξατε.] 'having disclosed' (delivered a formal specification of) 'the estate of Arethusa.'—τούτων αὐτῶν i. e. Nicostratus and Deinon. 29. ἕας οὖν—ἐὰς οὖν ταῦτα.] The sentence is suspended by a parenthesis of several lines from ἡ γὰρ ὀρφανοῦ τὸ ὀφληματος, and it is then resumed by the repetition of ἕας οὖν.

ἀρφανοῦ ἡ ἐπικλήρου.] 'orphan-sensor heiresses,' meaning by the latter 'orphan-daughters' 'portionable-sisters'; an 'heiress' under the Athenian law was by no means necessarily in good circumstances. (See note on Or. 45 § 75.) ἀφανας.] 'embarrassments,' 'distresses.' For this plural which is not uncommon in Dem. cf. Fals. Leg. § 146, εἴπορας κτήματα πλούτων ἀντί τῶν ἐχάδων ἀποριῶν.—τροφᾶς μητρὶ 'a mother's maintenance.' ὀδυρόμενοι κ.τ.λ.] 'Appeals ad misericordiam' formed the staple conclusion of every speech, and it was not held undignified for the greatest aristocrats, or grotesque for the most notorious scamps, to burst out crying in court, and to bring up their children to excite the compassion of the jury by their tears.' Mahaffy, Social life in Greece p. 369. Cf. Or. 45 § 88 and Or. 54 § 88. καταψηφίσθησθε.] sc. Nicostratou.
LIV.

ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ.

ΤΠΟΘΕΣΙΣ.

'Αριστων Ἀθηναίος δικάζεται Κόνωνι αἰκίας, λέγων ὅτι αὐτοῦ καὶ τοῦ παιδὸς αὐτοῦ τετυπτῆσθαι, καὶ μάρτυρας τούτου παρεχόμενος. ὃ ἔδει Κόνων ἀρνεῖται τὸ πράγμα καὶ μάρτυρας ἀντιπαρέχεται, οὕτως ὁ Δημοσθένης οὐ φησὶ πιστοὺς· βεβιακέων γὰρ φαίνως 1256 καὶ εἰχέρως ἔχειν πρὸς τὸ ψεύδεσθαι.

1 Ὑβρισθεὶς, ὁ ἀνδρὶς δικασταὶ, καὶ παθῶν ὑπὸ ...

Argument 1. 2. τετυπτῆσθαι.] In Classical Greek, we should have had the phrase πληγάς εἰληφθήσας. The tenses from τυπτέω, with the exception of the future τυπτησάω (used in Attic Prose and Comedy), are characteristic of late Greek. Thus, in the first Argument to the Medias, we have τυπτησάων and τυπτησάων, and in Lucian (Démonax § 16) we read: ἐπεὶ δὲ τις ἄθλητη...ἐπάταξεν αὐτὸν εἰς τὴν κεφαλήν λίθῳ καὶ αἷμα ἐξήρθη, οἱ μὲν παρότις ἑγαράκτου ὡς αὐτὸς ἐκατοσ τετυπησάων, where ἐπάταξεν is correctly used (as in Classical Greek Prose) instead of the aorist active of τύπτω, while τυπτησάων is only a late form, for which writers of the best age would have written either πτησάων or πληγήν ἐληφθήσας.

The ἔτοιν Ὑβρισθεὶς affords an instructive study on this point of Greek usage, as will further appear in Excursus (A) at the end of the speech.

6. εἰχέρως ἔχειν κ.τ.λ.] 'make no difficulty about lying.' Ot. 31 (Meid.) § 103, τὸν μαρῶν καὶ πᾶν εἰχέρη, τὸν κοινοτὴν ἔδεικνυα. So ἐγὼ ἔμνων εἰσφέρα § 39. P.]

§§ 1, 2. I was grossly assaulted by the defendant Conon, and, for a very long time indeed, my life was despaired of. When I was restored to health and strength, instead of going beyond my years by bringing against him a public indictment for brutal outrage, I followed the advice of my friends and took the easier course of instituting a private suit for a common assault. I ask for your indulgent hearing, while I briefly relate to you my wrongs, and I trust that, if I prove my case, you will help me to my rights.

1. ὑβρισθεὶς—ταυτησί.] The
Κόμωνος τούτοις τοιαύτα ὤστε πολὺν χρόνον πάντως τοὺς οἰκείους μὴ τῶν ιατρῶν μηδένα προσδοκῶν περιφέρεσθαι με, ὑγίας καὶ σωθῆς ἀπροσδοκήτως ἔλαχον αὐτῷ τὴν δίκην τῆς αἰκίας ταυτην. πάντως δὲ τῶν φίλων καὶ τῶν οἰκείων, οἰς συνεβουλευόμην, ἔσοχον μὲν φασκόντων αὐτῷ ἐκ τῶν πεπραγμένων εἶναι καὶ τῇ τῶν λατροδυτῶν ἀπαγωγῇ καὶ ταῖς τῆς

opening sentence is best rendered by treating ὑπόμηνις and πάνω as principal verbs, and beginning a fresh sentence with the word ὑγίας, e.g. 'I was the victim of wanton outrage, and I suffered such maltreatment at the hands of Conon the defendant, that, for a very long time indeed, neither my friends nor any of my medical attendants expected my recovery. Contrary to expectation, I was restored to health and strength; and I thereupon brought against him the present action for the assault in question.'

This exordium is quoted by the rhetorician Hermogenes as an example of perspicuity and directness of expression. (καταρθ. Ἐπιγελ. Rhetores Graeci p. 276.) Here, as in Or. 45, the keynote of the whole speech is struck by the opening word, ὑπόμηνις.

πολὺν χρόνον πάνω.] For this position of πάνω, separated from πολὺν, the word which it obviously qualifies, cf. Plato, Hipp. Maj. 282 η ἐν δίκην χρόνῳ πάνω and (Dem.) Prosem. 18 ἥρατο τι μὲν πεινάθε ζήσων.

'ἔλαχον...δίκην.' lit. 'obtained his suit by lot,' i.e. 'obtained leave (from the Archon) to bring this action.' Where several lawsuits were instituted at the same time, the Archon decided by lot the order in which they were to be heard (κληρον τὰς δίκας); hence the applicant for leave to bring an action is commonly said λαγ-χάνειν δίκην.

τῆς αἰκίας.] 'the assault in question.' Ariston; as he further explains in the next sentence, is bringing against Conon a private suit for assault (αἰκία δίκη), instead of a public indictment for wanton outrage (ὑπόμηνις γραφή). The penalty in the former was light, namely, a pecuniary fine paid to the plaintiff; in the latter, it was either a fine paid to the state, or, in extreme cases, death. The former implied that the complainant had been simply assaulted and struck, the latter that he had been subjected to malicious and brutal indignities.

αἰκία διαφέρει ὑπόμηνις, ὅτι αἰκία μὲν ἡ διὰ πληγῶν, ὑπόμηνις δὲ καὶ ἀνευ πληγῶν μετὰ προτυλα-κισιαν καὶ ἐπιβολῆς διότι καὶ ἐπευκοίνα ἐλάττων τῆς αἰκίας (Lexica Segueriana p. 355).

'συνεβουλεύομην...συνεβουλεύον- των.] 'consulted'. 'counseled.' The active and middle senses of this verb are also found side by side in Xen. An. 1. 17. ἑτερολογόμενοι ἑπεβουλ- λευσαν τάδε.

τῇ τῶν λατροδυτῶν ἀπαγωγῇ.]
'the summary process directed against footpads,' i.e. 'summary arrest and imprisonment for highway robbery.' The plaintiff's friends meant that Conon might have been captured flagrante delicto, and carried off to prison as a λωτοδύτη (lit. 'a clothes-stealer'). According to the plaintiff's subsequent statement, this would be actually true, as Conon and his friends had stripped him of his cloak and carried it off (§ 8 εξέθναν, and § 10 ἀπεκομισθην γυμνός, οὕτω δὲ ψυχοτο θυμάτων λαβότας μου). Cf. Isocr. de perm. § 90, τούτων ἀπαγαγών ἀνδραποδιστήν καὶ κλέπτην καὶ λωτοδύτην, Dem. Or. 22 § 26, Aeschin. Timarch. § 91 and Lysias Or. 10 § 10.

ύβρως γραφάτω. here contrasted with αἰκίας δίκης. Harpocr. γραφής δημοσίου τινος ἐγκλήματος δώρα. δίκης ἰδίως λέγεται ἐπὶ ἰδιωτικῶν ἐγκλήματων, ὥς σαφές τοις δημοσίευσις ἐν τῷ κατὰ Κύνοις.

[The plural γραφάτω shows that more than one public indictment could have been framed. See also Or. 21 (Meid.) § 28, καὶ δικαὶ ἰδίας δίδωσιν ὁ νόμος μοι καὶ γραφὴν ύβρισιν. P.]

ἐπαυξεθαί. 'to take upon my shoulders a greater burden than I should be able to bear.' —πράγματα, in taking legal action. P.

ὑπὲρ τὴν ἦλικιαν—φαίνεσθαι. 'to incur the imputation of going beyond my years in undertaking to prosecute for the maltreatment I had received.' The task of instituting and carrying to its issue a γραφή ύβρισιν would be more laborious and would require greater skill and experience than was involved in a δίκη αἰκίας. A young man like Ariston would find himself in an awkward and invidious position, as prosecutor in so ambitious a case as a γραφή ύβρισιν, not to mention his being unequally matched against an unscrupulous opponent who was older than himself and had numerous connexions to support him. He would also be deterred (though he does not here confess it) by the rule requiring the prosecutor to pay a fine of a thousand drachmæ in the event of his not obtaining at least one-fifth part of the votes.

The construction is, ἐγκαλωντα τούτων ἐκείνων.

[ὑπὲρ τὴν ἦλικιαν may mean, 'beyond the resentment suited to my years,' implying that a young man ought to put up with a little affront, and not make a serious matter of it. P.]

ἰδίαν.] ἀντὶ τοῦ ἰδιωτικῆς Δημοσίευσις ἐν τῷ κατὰ Κύνοις. ἐλέγετο δὲ τὸ τίον καὶ ἰδιωτικὸν ὃς ὁ αὐτὸς ῥήτωρ ἐν τῷ κατὰ Ζηνόβεμνιον (§ 32 πράγμα τίον). Harpocroration.

[ἡδοτὸν ἐν ἐκρίνα, for καλοὶ ἡδοτὸν ἐν ἐκρίνα, well illustrates
the fondness of the Greeks for participial construction. The sense is, ‘though I would most gladly have brought him to trial on the capital charge.’ P.]

\textit{θανάτου.}] The penalty of death was inflicted in cases of \textit{ληστασιων ἀπαγωγη}, and even in special cases of \textit{ὑβρισσες γραφή}. For the former, cf. Xen. \textit{Mem.} i. 2. 62, εάν τις \textit{φανερά} \textit{γένηται ληστασιῶν ἢ βαλαντιοτομῶν ἢ τοιχωρικῶν, τούτους θάνατος ἔστιν ἡ γημία, and for the latter, Lynias, fragm. 44, καί τα διὰ τοῦ οὐδὲν ἤμοι ἔτι τῇ \textit{μὲν} \textit{αἰκίαν} \textit{χρημάτων ἔστιν μόνον \textit{τιμήθως}, τούτῳ δὲ \textit{ἐξαίρεσιν} \textit{ἔξεστιν} ἧμοι \textit{θανάτῳ γημί-}

\textit{μοίων.}

\textit{2. δευνή—τοὐτοῦ.}] ‘The original outrage, atrocious as it was, does not surpass the subsequent brutality of the defendant.’ See \textit{§ 26}. The first clause may perhaps be taken as a genitive absolute.

\textit{παρανευμήσθαι.}] The passive is formed just as if the verb were directly transitive in the active, i.e. as if the active construction were \textit{παρανομεῖν τῷ, and not εἰς τῷ, So also the active \textit{παρανομεῖν εἰς τῷ has παρανομήσθαι for its correspond-}

\textit{ing passive.} (See below \textit{§ 4 init. and \textit{§ 5} fin.})

\textit{βοηθήσαι μοι τὰ δίκαια.}] ‘assist me to my rights.’ For the phrase and the context, cf. Or. 27 \textit{§ 3} \textit{δέομαι ὕμως,, μετ' εἰνόλας τ' ἔμοι ἀκούσας κἀν ἰδι-κήθαι δοκῆ, βοηθήσαι μοι τὰ δίκαια, ποιήσομαι δ' ἣς ἐν δυνα-μαι διὰ βραχύτατον τοῦ λόγου. A fuller phrase may be noticed in \textit{§ 42} of this speech, \textit{βοηθεῖν καὶ τὰ δίκαια ἀποδιδώναι.}

The exordium has several points of coincidence with that of Or. 45. See p. 50.

In the next four sections the plaintiff states the origin of the bad blood between the defendant’s family and himself. The narrative, though part of the \textit{διήγησις} which naturally follows immediately after the \textit{προοίμιον} of a forensic speech, is only preliminary to the recital of the facts on which the suit is really founded. It is to this portion of the statement of the case that Rhetoricians like Theodorus of Byzantium would have given the name of \textit{προδιήγησις} (Arist. \textit{Rhet. iii.} 13).

\textit{§§ 3—6.} Two years ago, we were ordered out to Panactum
on garrison duty, and, as ill luck would have it, the sons of Conon pitched their tents close to our own. They picked quarrels with our servants and were persistently guilty of drunken and indecent conduct at the expense of our attendants and ourselves. My messmates and myself represented the case to the general, and he reprimanded them severely for their treatment of ourselves and for their misbehaviour in the camp. Notwithstanding they burst in upon us on that very evening and violently assaulted us; indeed serious consequences might have ensued, but for the arrival of the officers on the scene of disorder. On our return to Athens, there was naturally some ill blood between Conon’s sons and myself, but I simply made up my mind to have nothing more to do with them. However, as the result proved, my collision with the sons in the camp led to my being grossly maltreated by their father the defendant, who instead of rebuking his sons for the original outrage, has himself been guilty of much more shameful aggression.

3. έτοι τούτη τριτῶν, ‘two years ago’ (so, etc.). Dem. Olynth. § 4 ἀπεγγέλθη…τριτῶν ἡ τέταρτη έτοι τούτη, ‘Ηράκλεως τέχνη τοιούτων.’

The present passage places the date of the speech in the ‘third year after,’ or, as we should say, ‘two years after,’ an expedition to Panactum, a fort on the borders of Attica and Boeotia. Of such an expedition we read in Or. 19 (de fals. leg.) § 326, περὶ…τῆς πρὸς Πανάκτων Χώρας μεθ’ ὀπλῶν ἐξερχόμεθα, ὡς έν τοῖς Θησείοις σφόν ουδεκὼσι ἐποιήσαμεν. If these expeditions are identical, the speech was delivered in B.C. 343 or 341, according as we place the historical event in B.C. 345 (with Clinton) or 343 (with Westermann).—A. Schaefer, however, plausibly connects the event in question with certain military operations in B.C. 357, and thus obtains for the date of the speech B.C. 355, the year before the delivery of the orations against Leptines and Androtion (Dem. und seine Zeit, iii. 2. 251).

On Panactum, or Panactus, Harpocration has this article:

Πάνακτος…Δημοσθένης κατὰ Κόνωνος’ πόλις ἐστι μεταξὸς τῆς Ἀττικῆς καὶ τῆς Βουωρίας. Αὐτοί δὲ εἰσάγειν θυγατέραν, οὕτως θαυμάζειν αὐτόν, οὐκ ἔπειτα δὲ τὴν τοῦτον μεταφορὰν, προσκρούσατο καὶ Μηνανδρέους μακάμας.

For προσκρούσατο, in the sense of ‘putting up a public notice’ at head-quarters, compare Arist.

Ἀναπ. 448, ἀκολούθησα λέον τοὺς ὀξέας νυκτὶς ἀνελομένους βότρυξις ἀπέκλεισα πάλιν οἰκοδέ, | σκοτεινὸς δὲ τὴν προσκρούσαν ἐν τοῖς κινακίοις, καὶ Ἀριστοτέλης ἐν Ἀθηναίων πολιτείᾳ (quoted by Harpocratio n. v. στρατεύσα, ὡς οὖν ἠκουσμένος, προσκρούσαν ἀπὸ τίνος ἀρχοντος ἐπωνύμησεν μεχρίς τοῦ ἑτατέουσαν.

οὐκ ἐν Ῥωμαίις] οὖν. σκηνόσις αὐτοῦ, ‘and would to heaven they had not!’

προσκρούσατο,] ‘collisions.’

Or. 39 § 18, πολλοί προσκρούσει
§§ 4, 5.

ημῶν συνέβη, ἕξ ὁν δ', ἀκοῦσεσθε. ἔτυγχ᾽ ἐκάστοτε οὗτοι τὴν ἡμέραν, ἐπειδὴ τάχιστα ἀριστήσασθαι, ὅλην, καὶ τοὐθ᾽ ἔσω τὴν ἡμέραν ἐπὶ τῇ φρουρᾷ, διετέλεσαν ποιοῦντες. ἡμεῖς δ' ἄστεπ ἐνθάδε εἰώθαμεν, οὗτοι δυ-4 γομεν καὶ ἐξο. ἦν οὖν δειπνοποιεῖσθαι τοῖς ἄλλοις ἡμῖν συμβαίνον, ταύτην ἄν ἡδη ἐπαφόνουν οὗτοι, τὰ μέν πολλὰ εἰς τοὺς παῖδας ἡμῶν τοὺς ἂκολούθους, τελευτῶντες δὲ καὶ εἰς ἡμᾶς αὐτοὺς' φήσατο γὰρ καπνίζειν αὐτοὺς* ὡφοτοιομένους τοὺς παῖδας ἤ κακῶς λέγειν ὑ πείρατον, ἔτυπτον καὶ τὰς ἁμίδας b κατασκε-

a αὐτοῖς Z.  b Bekker. ἁμίδας Z.

and Or. 37 § 15, ὥ φίλας ἢν... τοῦτο προσεκεράνθη. ἀριστήσασθαὶ...δειπνοποιεῖσθαί.] On ἀριστον and δεῖτον, see Becker’s Charicles p. 318, ed. 8. —The optative ἀριστήσασθαί denotes frequent and repeated action, which is also clearly brought out by ἐκάστοτε and διετέλεουσαν.

4. ὃριν.] Not to be translated ‘hour’ but ‘time,’ as ὁρα in the former sense is found in late Greek only, and was probably first so used by Hipparchus the Alexandrine astronomer in the second century B.C. In phrases like ὥριν ὁρα διάδωσιν κουρὴν θεῶν (Eumen. 109) and τὴν τετεγμένην ὁρα (Bacch. 724) the rendering ‘hour’ should be avoided as open to misconstruction.

ταύτην...ἀριστήσασθαὶ...εἰς τοὺς παῖδας.] Liddell and Scott inadvertently quote this passage as an instance of ἄριστος being used transitively ‘like ὄρθιας,’ whereas ταύτην is obviously the accusative of time (so τὴν ὁρα) and the object of ἀριστήσασθαί is expressed by εἰς τοὺς παῖδας. For the corresponding passive to this intransitive active, see § 5 fin., παρομοιομένου. [πάροις and παροιμείναν, not ‘to be intoxicated,’ but ‘to be abusive over one’s cups.’ P.]

φήσατε—ἔτυπτον.] i.e. φή-
sατες τοὺς παῖδας ὡφοτοιομένους κατανίζειν αὐτοὺς, ἢ κακῶς λέγειν, υ τείρατον λέγειται, ἔτυπτον. They made out that our servants, while cooking, annoyed them with smoke, or were constantly insolent to them. Our servants could not open their mouths without being charged with sauciness. [Perhaps ἢ δὴ τείρατον, sc. φήσατε, ‘or any other such pretence.’ P.]

ἔτυπτον.] See Exegesius (A) at the end of the present speech.

τὰς ἁμίδας κ.τ.λ.] ‘They emptied the chamber-pots on them,’ K. (Bekker’s Leipzig ed. has κατασκεδάσωσαν.) Hermogenes, who selects the present narrative as an instance of ἅλθῃ διήγησις, draws attention to the orator’s plain-speaking in the clauses before us, and quotes them from memory with this comment: οὐ γὰρ εἰρήνευς ἀλλὰ δεινόσω σα ὑ πείρα τὰ πράγματα λέγων αὐτὰ ὡ ρήτωρ γίγνα τοι
δάννον καὶ προσευκρόνον καὶ ἀσέλγειας καὶ ὑβρεώς ὀφεῖλον ἀπέλευσαν. ὅραντες δὲ ημεῖς ταύτα καὶ λυποῦμενοι τὸ μὲν πρῶτον ἀπεπεμψάμεθα, ὡς δὲ ἐκλείναμεν ἡμᾶς καὶ οὐκ ἐπαινόντο, τῷ στρατηγῷ τὸ πρῶτον εἴσπουν καὶ πάντες οἱ σύστημοι προσελθοῦντες, οὐκ ἔγνω τῶν ἄλλων ἔξω. λαοδορθέωτος δ᾿ αὐτῶν ἐκεῖνον καὶ κακίσταντος αὐτοῦς οὐ μόνον περὶ δὲν εἰς ἡμᾶς ἰσέλγαμον, ἀλλὰ καὶ περὶ δὲν ὅλοις ἐτοιόν ἐν τῷ στρατοπέδῳ, τοσούτου ἐδέχασαν πάυσασθαι ἡ αἰσχυνθηκάμοι ὡστε, ἐπειδὴ θάττον συνεσκότασεν, εὐθὺς οὐς ἡμᾶς εἰσεπήδησαν ταύτῃ τῇ ἐσπέρᾳ, καὶ τὸ μὲν 1258 πρῶτον κακῶς ἔληγον, τελευτῶντες δὲ καὶ πληγᾶς ἐνέτειναν ἐμοί, καὶ τοσαῦτην κραυγὴν καὶ θόρυβον περὶ τὴν σκηνὴν ἐποίησαν ὡστε καὶ τὸν στρατηγὸν καὶ τοὺς ταξιάρχους ἐδείκτε καὶ τῶν ἄλλων στρατιωτῶν τιμᾶς, οὕπερ ἐκωλυσαν μηδὲν ἡμᾶς ἀνήκεστον παθεῖν μηδὲ αὐτοῖς ποιήσαι παροιμομένους ὑπὸ τοιοῦτον.

*Bekker.*

διελκών ζυμὸν ΦΣΦρ. ἀπὸ τῶν Ζ.

λεγόμενα λειλον λαβέν πιὰ τις αὐτὰ ἐκόμει λόγοις. (Spenge, Rhet. Gr. π. 199.)

ἀπεπεμψάμεθα.] Not ἐστι λεγόμενα διελκόμενα, but (as is implied by the use of the middle voice) ἐστὶν ἱστοματικὸν ὑποκειμένου ὑπὸ τοιοῦτον.

[ Cf. Eur. Hec. 72, ἀποκεπαματικὴ ἐννυχῶν δῆν. In the present passage it is a remarkable use. P.]

πάντες οἱ σύστημοι.] "not I alone, but all the messmates in a body." K. Cf. Lyssias Or. 13 § 79 (referred to by Westermann) ὅπερ συνεστὶς τούτων οἰούς φανέρων ὁ πάντως σύσκεψαι γενόμενος.

δ. λαοδορθέωτος κ. τ. λ.] He censured and rebuked them severely, not only for their brutal treatment of ourselves, but also for their general behaviour in the camp. For λαοδορθέως used in the sense of the aorist middle, cf. διαλεγόμενος in § 7. On κακίσταντος, cf. note on Or. 84 § 2.

ἐπειδῆ θάττον συνεσκότασεν.] 'As soon as over it grew dark,' 'no sooner was it dusk than...'

For ἐπειδῆ θάττον (which is less common than ἐπειδῆ τάχιστα, § 8), cf. Dem. Or. 37 § 41 ἐπειδῆ θάττον ἀνέλειτο, Plato Protag. 426 c, ἐπειδὴ δὴ τῶν θάττων συνῆτις, Xen. Cyrop. III. 8—20 ἢ θάττον.

τοῦτοις] SC. μηδὲν ἀνήκεστον.

The plaintiff candidly admits that the arrival of the authorities prevented himself and his friends doing violence to Conon's
τοῦ δὲ πράγματος εἰς τοῦτο προεθύντος, ὃς δὲν ἐπανήλθομεν, ἦν ἡμῖν, οἶον εἰκὸς, ἐκ τούτων ὑμηθ' καὶ ἐκεῖνα πρὸς ἄλλην τοὺς ὑμᾶς. ὅμως οὐκ εἴρηκαν δικην λαχεῖν αὐτοῖς οὗτος λόγον ποιεῖσθαι τῶν συμβάντων οὐδένα, ἀλλ' ἐκεῖνο ἀπλῶς ἐγνώκειν τὸ λοιπὸν εὐλαβεῖσθαι καὶ φιληματίζεσθαι μὴ ἀπειπεῖσθος τοῖς τοιούτοις. πρὸ τοῦτον μὲν οὖν τούτων δὲν εἰρηκα βούλομαι τὰς μαρτυρίας παρασχόμενος, μετὰ ταῦτα ὅλα ὑπ' αὐτοῦ τούτοις πέπαυθα ἐπιτείξαι, ἵνα εἰδῆτε ὅτι ὃ προσήκει τοῖς τὸ πρὸ τοῦτον ἀμαρτηθεὶσιν ἐπιτυμᾶν, οὗτος αὐτὸς πρὸτερος πολλῷ δεινότερ' εἰργαζόταί.

ΜΑΡΤΥΡΙΑΙ.

7 Ὁν μὲν τοῖνυν οὐδένα φίλην δεῖν λόγον ποιεῖσθαι,

μᾶ τοῖς θεοῖς, οὐ μὴν ἔγογγε Ζ, cum libris Demosthenis; οὐ μὴν ἔγογγε μᾶ τοῖς θεοῖς Bekker cum Dionysio.

sons in self-defence, provoked and exasperated as they were by the brutal assaults of their opponents.

παρουνουμένου.] The active construction is παρουνεῖν εἰς τινα, cf. § 4 and see note on Isocr. ad Dem. § 80, πιστεύοντες.

6. τοῖς τοιούτοις.] Not ‘men of like character to the sons of Conon,’ but rather ‘the sons of Conon themselves, who had shewn themselves to be of such a character as I have described.’

μετὰ ταῦτα οἷα—προσήκε.] These few words as printed in Dindorf’s ed. include no less than seven instances of hiatus, five of which can however be readily removed by elision. Benseleer, who has exhaustively treated this subject in his volume de hiatus in oratoribus Graecis, says of the speeches of Dem. against Conon and Callicles: orator solet verba ita contingere et collocare, ut pierum-

que vocalium concursus evitetur. p. 152.

τοῖς...ἀμαρτηθεῖσι.] Neuter, so ὑπὸ τῶν ὑμῶν τῶν Κόρωνος. πρὸτερος.] as a ringleader in acts of aggression.

Here follows the narrative proper.

§§ 7—9. Not long after our return from the camp, I was taking my usual evening walk in the market place with a friend of mine, when a son of the defendant, Ctesias by name, who was intoxicated at the time, caught sight of us, and after raising a yell and muttering something indistinctly to himself, went off to a part of the town where a large party, including his father, had met for a carouse; summoned them to his standard, and made them march with him down to the market place. On closing with us, one of them fell upon my friend and pinned him, while Conon and his son and another
taut' estin. χρόνοις δ' ύστερον οὐ πολλῷ περιπατοῦντος, ἀσπερ εἰώθειν, ἐσπέρας ἐν ἀγορᾷ μου μετὰ Φανοστάτου τοῦ Κηφισίων, τῶν ἥλικιατῶν τινῶς, παρέχεται Κηπισίας ὁ νῖος ὁ τούτου, μεθύον, κατὰ τὸ Δεσκόρου, ἑγγὺς τῶν Πυθοδόρου. κατιδὼν δ' ἦμᾶς καὶ κραυγάσας, καὶ διαλεγόμεν τι πρὸς αὐτὸν οὕτως ὡς
attacked myself, stripped me of my cloak, dashed me into the mud, jumped upon me, and otherwise grossly maltreated me. The language I heard them use, as I lay helpless on the ground, was simply awful, and would hardly bear repeating; Conon himself meanwhile set up a crowing like a victorious game-cock. When they had left me, some people, who happened to come up, carried me home, and afterwards took me to a public bath, where they washed me all over, and brought the surgeons to see me.

I will now call evidence, to attest to these facts.


ἐν ἄγορᾷ.] anathromous, like ἄστυ and πόλις (when used of Athens); below we have εἰς τὸν ἄγοραν. Similarly εἶς βαλανεῖσιν in § 9, followed by εἰς τὸ βαλανεῖσιν in § 10.

The Αγορα lay below the northern side of the Acropolis.

tοῦ Κηφισίων.] The deme Κηφισία belonged to the tribe Erechtheis, and lay N.E. of Athens at the foot of Pentelicus. 'Cepheisus was the demus of the comic poet—the Attic Terence—Menander.' Wordsworth, Athens and Attica.

Δεσκόρου.] The monument of the daughters of Leos, (Praxithesa, Theope, Eubule,)

who, at the command of an oracle, sacrificed themselves for their country. (Dem.) Or. 60 (Epitaph.) § 29 (ἀλ Λεω κύροι) εὐτάς ἐδοσαν σφάγιον τοῖς νεκταῖς ὑπὲρ τῆς χώρας. Cicero de nat. deor. iii. § 50. Harpocration states that it was ἐν μέσῳ τοῦ Κεραμείου, i.e. in the midst of the inner Ceramicus, the N.W. district of Athens, lying within the walls, as opposed to the outer Ceramicus, the κάλλιστον προδοτείον where the Athenian warriors were buried. (Thuc. ii. 34, Arist. Aves 395.)

It was close to the Leocorium that Hipparchus was slain by Harmodius and Aristogeiton. (Thuc. vi. 57.) [κατά is 'opposite to,' as Aesch. Theb. 528, τύμβων γὰρ αὐτῶν διογένους Ἀμφιόνος, and so frequently in Thucyd. in the sense of 'off a coast, or river.' P.

tῶν Πυθοδόρου.] 'The premises of Pythodorus,' either understanding ὀλικὺς, or more probably δωμάτων, like the expression which occurs twice in Or. 43 (Macart.) § 62 (ῥόμοι) εἰς τὰ τοῦ ἀδικοφάντου εὐλογεῖαι. Theoc. ii. 76. μέσαν κατ' ἀμαξίων, εἰς τὰ Δύκων. [Ar. Vesp. 1440, αὐτῷ δὲ καὶ σὺ παράτης' εἰς τὰ Πιπτέλου. P.]

dialékhēs.] Cf. § 5 λαυροθηεῖς.

—ὡς ἀν καθώς, so. διαλεγόμεν. See on Or. 34 § 32.—μαθεῖν, so. ἦμαι.
172 LIV. KATA KONΩΝΟΣ ΑΙΚΙΑΣ. [§§ 8, 9.

ἀν μεθών, ὅστε μὴ μαθεῖν ὅ τι λέγοι, παρῆλθε πρὸς Μελίτην ἄνω ἐπινον γὰρ ἐνταῦθα (ταῦτα γὰρ ἄστερον ἐπιθυμεῖ) παρὰ Παμφίλῳ τῷ κυαφεῖ Κόνων 1259 οὖτοι, Θεότιμος τις, Ἀρχεβιάς, Σπινθαρός ὁ Εὐβούλου, Θεογένης ὁ Ἀνδρομένους, πολλοὶ τινες, οὓς ἡ ἐξαναστήσας ὁ Κησίας ἐπορεύοτο εἰς τὴν ἀγοράν. καὶ ἡμῖν συμβαίνει ἀναστρέφουσιν ἀπὸ τοῦ Φερρεφαττίου καὶ περπατοῦσι πάλιν κατ’ αὐτὸ ποσ τὸ Δεσκόριον εἶναι, καὶ τούτως περιτυγχάνομεν. οὐς δ’ ἀνεμίχθη-μεν, εἰς μὲν αὐτῶν, ἄγνως τις, ὁ Φανοστράτηρ προσπί-

τρὸς Μελίτην ἄνω.] A hilly district within the walls, comprising part of the western half of Athens. It was so called from Melite, wife of Hercules (Leake’s Athens i. 441, 485). ἐπινον κ.τ.λ.] Either Pamphilus ‘the fuller’ or ‘wool-stapler’ had invited Conon and his set to a friendly symposium, or, which is more probable, his shop was their place of lounge. Lysias 24 § 20 ἐκατοσ ὑμῶν εἰδότας προσφιτάν ὅ μὲν πρὸς μυροπελείον, ὁ δὲ πρὸς κουρεῖον ὁ δὲ πρὸς σκυτομανιοῦ, ὁ δ’ ὅπω ἄν τύχῃ καὶ πλησίασαν μὲν ὀς τοὺς ἐγγυτατό τῆς ἀγορᾶς κατασκευασμένους, ἔλαχιστον δὲ ὡς τοὺς πλεῖστον ἀπέχοντος αὐτής. (See Becker’s Charicles p. 279)—Ἀρχεβιάς. See note on § 84. Σπινθαρός ὁ Εὐβούλου.] This Eubulus was probably the orator and statesman, one of Demosthenes’ most formidable opponents. This supposition is strongly confirmed by the fact that the orator in question is known as Ἐὐβοῦλος Σπινθαρόν Προβαλλεῖς. The person mentioned in the text would, according to the common custom, be called Spintharus, after his grandfather. Cf. note on Or. 39 § 27. (A. Schäfer’s Dem. u. s. Zeit, 1. 190 n.)

ἐξαναστήσας.] The word is sometimes used as a military term of starting soldiers from ambush, as in Thuc. iii. 108. 3 ἔξανασττες, and Xen. Hell. iv. 8. 87. The orator makes his client, a young soldier, characteristically describe the scuffle in the language of military life. Similarly, a few lines below, ἀνεμίχθημεν ‘when we closed with one another.’

§ 8. συμβαίνει...καὶ περιτυγχάνομεν.] A simple and somewhat archaic form of phrase instead of οἶτε περιτυγχάνομεν. Thuc. 1. 50, ἐξή ὑπὸν καὶ οἱ Κοριθίους ἐξανασττερούμεν αὐτῶν, Soph. Phil. 854 (Kühner § 518 8).

Φερρεφαττίου.] The site of the temple of Persophone is uncertain; it is supposed to have been south of the Leocorium, and close to the statue of Triptolemus, but we have no data worth mentioning besides the vague indications of the present passage (Leake’s Athens i. 488, and Wordsworth’s Athens and Attica, p. 150).

εἰς μὲν—σκείνον.] ‘One of
πτει καὶ κατέσχεν ἐκείνων, Κόνων δ', οὖτοι καὶ ὁ νῦς αὐτοῦ καὶ ὁ Ἀνδρομένους νῦς ἐμὸν περιπεσόντες τὸ μὲν πρῶτον ἔξεδυσαν, εἰδ' ὑποκελίσαντες καὶ ῥάξαντες εἰς τὸν βόρβορον οὕτω διέθηκαν ἐναλλόμενοι καὶ ὑβρίζοντες ὡστε τὸ μὲν χεῖλος διακόψαι, τοὺς δ' ὀφθαλμοὺς συγκλείσαι οὕτω δὲ κακῶς ἔχοντα κατέλιπον ὡστε μὴ ἀναστῆναι μὴτε φθέγξασθαι δύνασθαι. κείμενος δ' αὐτῶν ἦκουν πολλὰ καὶ δεινὰ λε-γόντων. καὶ τὰ μὲν ἄλλα καὶ βλασφημίαν ἔχει τινὰ, καὶ ὄνομαζεν ὀκνήσαμι ἂν ἐν ύμῖν ἐνα, δ' ὑπὸ τῆς

* Bekker cum Dionysio.

them, whom I failed to identify, suddenly fell on Phanostratus, and pinned him.' The present προσπέπτει gives a vivid effect to the description, and the imperfect κατέχεν must also be noticed as implying that the plaintiff's friend was held fast during the whole of the ensuing scuffle, and therefore could offer no assistance.—ὁ νῦς αὐτοῦ, Ctesias. —ἐξεδυσαν, 'stripped me' of my cloak § 9, φχυτο τομάτων λαβόντες μου.

εἰδ'—συγκλείσα.] 'next, they tripped me up, and made me fall heavily into the mud, and by leaping upon me, and maltreating me, they put me in such a condition that they cut my lip right through, and bunched up my eyes,'

9. τὰ μὲν ἄλλα—ἐν ύμῖν ἐνα.] i.e. 'much of what they said was most abusive, and some of it I should be sorry to repeat in your presence.' Cf. Or. 18 § 108, δο' ὁκνήσαμ' ἃν πρὸς υμᾶς εἴτει, 21 § 79, οὐ γὰρ ἔγγει ἀποκλήθην ἃν εἴτει πρὸς υμᾶς τῶν τότε ῥήτορος οὐδέν (quoted by Westermann), and esp. Aeschin. Timarch. § 55, τοιαῦτα

ἀμαρτήματα καὶ τοιαῦτα ὑβρίσι... οἷας ἐγὼ μὰ τὸν Διατὸν ὤλομενον οὐκ ἄν τολμήσαμι πρὸς υμᾶς εἴτειγ' ἄ γὰρ οὕτως ἔργῳ πρᾶττον οὐκ ἤφθηντο, ταύτ' ἐγὼ λόγῳ σαφῶς ἐν ύμῖν εἴτει ὅλον ἄν ἔδειξαν ἥρ. Cic. Verr. ii. 1, 92.

This rhetorical device of professing to have componats at repeating the bad language of one's opponent is sufficiently obvious. The effect is threefold, (1) the court is left to imagine that the terms of abuse were singularly offensive; (2) the plaintiff is accredited with being a man of high principle for hesitating to repeat the abominable language of his opponent, —for what Aristotle would call his δυσχέρεια τῶν αἰχμῶν; and (3) the court is flattered by the compliment implied in the assurance that the language was too indecent to be repeated in their hearing. Cf. Arist. Rhet. iii. 7, ταρτηκὴ δὲ, ἐὰν μὲν ἡ ὑβρίς, ὄργυσμένον λέει, ἐὰν δὲ ἄσβη καὶ αἰχμα, δυσχεράντων καὶ εὐλα-βουμένου καὶ λέγειν.
174 ΛΙΨ. ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ. §§ 9—11.

υβρεώς ἐστὶ τῆς τούτου σημείων καὶ τεκμήριου τοῦ πάν τὸ πράγμα ὑπὸ τούτου γεγενηθεῖν, τοῦθ᾿ ὡμίν ἔρω

ζήδε γάρ τοὺς ἀλεκτρώνας μυμούμενον τοὺς νευκήκο-

tas, οἱ δὲ κροτεῖν τοὺς ἀγκώσων αὐτῶν ἦξιον ἀντὶ
πτερύγων τὸς πλευρᾶς. καὶ μετὰ ταῦτα ἐγὼ μὲν ἀπε-
κομισθήν ὑπὸ τῶν παρατυχόντων γυμνός, οὕτω δ᾿ ἡ

ψυχώτα θοίματιον λαβόντες μου. ὡς δ᾿ ἐπὶ τὴν θύ-

ραν ἤλθον, κραυγή καὶ βοή τῆς μυτρός καὶ τῶν θερα-

πανίδων ἦ, καὶ μόλις ἤ ποτὲ εἰς βαλανείον ἐνεγκό-

τες μὲ καὶ περιπλύναντες ἐδειξαν τοῖς ιατροῖς. ὡς

οὖν ταῦτ᾿ ἀληθῆ λέγω, τούτων ὑμῖν τοὺς μάρτυρας

παρέξωμαι.

Bekker. μὴν ζ ὑπὸ Σ.

τοῦτον ἰδίῳ  ἐπὶ οὗτος; τεκμήριων καὶ τοῦ

γεγενῆθαι. Τὸν ἀντίκειται 'α μικρής, τὴν 'η

τεντάτων λαβόντες μου. ὡς δ᾿ ἐπὶ τὴν θύραν

ῆλθον, κραυγὴ καὶ βοὴ τῆς μυτρός καὶ τῶν θερα-

πανίδων ἦ, καὶ μόλις ἤ ποτὲ εἰς βαλανεῖον ἐνεγκό-

τες μὲ καὶ περιπλύναντες ἐδειξαν τοῖς ιατροῖς. ὡς

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τεντάτων λαβόντες μου. ὡς δ᾿ ἐπὶ τὴν θύραν

�� instructions in the image.
ΜΑΡΤΤΡΕΣ.

10 Συνεβη τοινυν, ὃ ἄνδρες δικασταὶ, καὶ Εὐξίθεουν
touton τὸν Χόλλείδην, οὐθ᾽ ᾤμνυ συγκενῆ, καὶ Μει-
diān metὰ τοῦτον ἀπὸ δεῖπνου σεθὲν ἀπὶ ὁπεῖ
pεριτυχεὶν πλησιον δυτὶ μοι τῆς οἰκίας ἦδη, καὶ εἰς τὸ βαλα-
νεῖον φερομένῳ παρακολουθῆσαι, καὶ ἰατρὸν ἄγουσι
παραγενέσθαι. οὕτω δ᾽ ἔλχον ἄσθενῶς ὁσθ᾽, ἵνα μὴ
μακρὰν φερομὴν οἴκαδε ἐκ τοῦ βαλανείου, ἐδόκει τοῖς
παρόντων ὡς τὸν Μειδίαν ἐκείνην τὴν ἑστέραν κομίσαι
με1 καὶ ἐποίησαν οὕτος ὅσιδε ὅν καὶ τὰς τούτων
μαρτυριών, ἵνα ἐιδῆθη ὅτι πολλοὶ συνίσσασιν ὡς ὑπὸ
toūtōn ἤβρισσθην.

ΜΑΡΤΤΡΙΑΙ.

Δαβὴ δὴ καὶ τὴν τοῦ ἰατροῦ μαρτυριῶν.

ΜΑΡΤΤΡΙΑ.

11 Τότε μὲν τοινυν παραχρῆμα ὑπὸ τῶν πληγῶν δικ

1 Bekker. om. Z cum Σ.

§ 10. I was followed to the
bath by Meidias and a
relative of mine who was return-
ing with him from dinner; and
as I was too weak to be carried
home again that evening, I was
taken to the house of Meidias
for the night, as will be proved
by evidence.

10. Χόλλείδην.] 'Of Χόλλείδαι,'
(Or. 35 § 20), a deme of the
tribe Leontis, probably situated
south of Hymettus and west
of Mons Anhydrus, or Hymet-
tus minor (Leake's Athens, ii.
57 and Wordsworth's Athens
and Attica, chap. xxi.). — τὸ βαλανεῖον.] with the article,
in reference to βαλανεῖον already
mentioned without the article.
So in § 7, ἄγωρος... εἰς τὴν
ἄγωρον.

§ 11, 12. The surgeon and
others have deposed to the
immediate consequences of the
assault; afterwards, though he
expressed no great fears about
my external bruises, unintermit-
tent attacks of fever ensued,
attended by extreme internal
pain. I was quite unable to
12 ἀπεκεκλείμην. ἔλαβον καὶ τῆς ὑβρεως οὕτω διετέθη, ὡς ἀκούετε καὶ μεμαρτύρηται παρὰ πάντων ὑμῖν τῶν εὐθύς ἰδάντων. μετὰ δὲ ταύτα τῶν μὲν οἰδημάτων τῶν ἐν τῷ προσώπῳ καὶ τῶν ἐλκῶν οὐδὲν ἐφή φοβεύεται λιαν ὁ ἱατρὸς, πυρετοί δὲ παρηκολούθουν μοι συνεχεῖς καὶ ἄλγημα ἄλου μὲν τοῦ σάματος πάνω σφοδρά καὶ δεινά, μάλιστα δὲ τῶν πλευρῶν καὶ τοῦ ἴτρου, καὶ τῶν στιών ἂν ἐκεκλείμην. ὁς μὲν ὁ ἱατρὸς ἐφή, εἰ μὴ κάθαρσις αἵματος αὐτομάτη μοι πάνω πολλῆς συνέβη περισσότερον δυνάμει καὶ ἀπορομακρύνω ήδη, καὶ ἔμπνεος γενόμενος διεφθάρην νῦν δὲ τοῦτο ἐσώσε τὸ αἷμα ἀποχωρήσαν. ὁς οὖν καὶ ταύτα ἀληθῆ λέγω, καὶ παρηκολούθησέ μοι τοιαύτη νόσος εἰς ἕκατον ἠλθον, εἰς δὲ ὑπὸ 1261 τούτων ἔλαβον πληγῶν, λέγε τὴν τοῦ ἱατροῦ μαρτυρίαν καὶ τὴν τῶν ἐπισκοποῦντων.

1 Ἐκκέρκερτο ταῖς.

eat; and but for a violent discharge of blood at a critical time, death would have resulted, as will be proved by medical evidence.

12. ἐλ μὴ—διεφθάρην. τῆς ἀπεκεκλείμης ὑπὸ ὑβρείας καὶ ἔστω συνεχεῖς. ἰατρός ὁ ἡγείμνος αἱματος ἀυτού ἀποτελείται αἵματος αὐτομάτη μοι πάνω πολλῆς συνέβη περισσότερον δυνάμει καὶ ἀπορομακρύνω ήδη, καὶ ἔμπνεος γενόμενος διεφθάρην νῦν δὲ τοῦτο ἐσώσε τὸ αἷμα ἀποχωρήσαν. ὁς οὖν καὶ ταύτα ἀληθῆ λέγω, καὶ παρηκολούθησέ μοι τοιαύτη νόσος εἰς ἕκατον ἠλθον, εἰς δὲ ὑπὸ 1261 τούτων ἔλαβον πληγῶν, λέγε τὴν τοῦ ἱατροῦ μαρτυρίαν καὶ τὴν τῶν ἐπισκοποῦντων.
"Ωτι μὲν τοινύν οὐ μετρίας τινάς καὶ φαύλαις λαβομεν πληγάς, ἀλλὰ εἰς πάν ἐλθων διὰ τὴν ὑψώμεν καὶ τὴν ἀσέλγειαν τὴν τούτων πολὺ τῆς προσηκούνης ἕλατο δίκην ἐξίσια, πολλάχοδεν νομίζω δῆλον ῥημών γεγενήσθαι. οὐμας " δ᾽ ὑμῶν ἐνιοὺς θαυμάζεων τίνα" ποτ' ἔστιν ἢ πρὸς ταῦτα τολμῆσει Κόμων λέγειν. Βούλομαι δὴ προευκτικές ὑμῶν ἢ ἐγὼ πέπνυσαι λέγειν αὐτῶν παρεσκευάσθαι, ἀπὸ τῆς ὑψώμεν καὶ τῶν πετραγμένων

came to see me,' 'visited me in illness,' Xen. Cyrop. viii. 2 25, ὅπε ὁς ἀρθήσῃς τῶν μεθρεκέσσαντα ἐπιξιαρχίας ἐποκίνηται καὶ παρέχει πάντα δοῦν ἰδεῖ (W); also in middle, Xen. Mem. iii. 11 10, ἐσσυνεργοῦσας φιλον προφυτεύσευι ἐκείπερσαι. §§ 13-15. Let me now tell you beforehand of the course which Conon will take in his reply: he will divert your attention from the facts and try to throw ridicule on the whole affair; he will tell you that it was only the playful pleasantry that is common among young men about town. He will misrepresent us as just like his sons in character, and only different in being hard on other people. But the jury will be inflicting what I may call a fresh outrage upon me, if they are going to believe the defendant's bare assertion about our respective characters and to allow no weight to the evidence of our life and conduct.

13. εἰς τῶν ἐλθόν. While τῶν τοιων and τῶν τοιων are invariably used in the active sense of 'straining every nerve,' 'leaving no stone unturned,' εἰς τῶν ἐλθόν and similar phrases have often (like εἰς τοσχαρον ἐλθόν of the last section) the passive notion of being reduced to the utmost extremity, as in the present passage.

Thus (i) in active sense we have Xen. Cyrop. v. 4. 26 πῶς ἔσταν πειθόντες τῶν βασιλεῶν, Ἀθην. III. 1. 18 ἐστὶ τῶν ἐλθὼν, ὅτι ἡμᾶς τὰ ἄγατα ακινησμένος πᾶσιν ἀριθμοῖς φόβων παράγον, Soph. O. T. 265 καὶ πῶς ἀνέφικεν εὔχερ εὐς τῶν αὐτόχρων.

(ii.) in passive: Xen. Hell. vi. 1. 12 εἶδα δὲ, ἣς ἐλατρευον...εἰς τῶν ἀνέχετο βασιλεὺς. Plato. Symp. 194 a, ὅμων ἐν φοβῳ καὶ εἰ ἐν τοῖς τῆς προσέκουσης ἐλάττων δικηί]. 'I have entered on an action much below the merits of the case.' Cf. latter half of § 1.

τίνα ποτ' ἐστίν; δ.] The Zurich editors and Westermann prefer τί ποτ' ἐστίν δ., 'what is the import (sing.) of the points (plur.) that Conon will urge in his defence,' τί... δ. is more idiomatic than τίνα... δ.

ἀθετήσας ἔρειν.] In opposition to λέγειν παρεσκευάσθαι, and loosely dependent on πέπνυσαι. A simpler construction might have been brought about

P. S. D. II.
178 ΛΙΒ. ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ. [§§ 14, 15.

tο πράγμα ἄγοντα εἰς γέλωτα καὶ σκώμματα ἐμβαλέιν
14 πειράσεσθαι, καὶ ἔρειν ὡς εἰσὶν ἐν τῇ πόλει πολλοί,
καλῶν καὶ ἑορτῶν ἀνδρῶν νεῖς, οἱ παιδοῦτες οἷα ἄνθρω-
ποι νέοι σφίσθων αὐτοῖς ἐπωνυμίασ πεποίηται, καὶ κα-
λοῦσιν τοὺς μὲν ἰδιφάλλους, τοὺς δὲ ἀυτοληκθόνους,
ἐρώι τοῦτον ἐταϊρόν τινώς, καὶ δὴ καὶ τῶν νιῶν
τῶν ἐαυτοῦ ἐναι τούτων ἕνα, καὶ πολλάκις περὶ ἐτα-
ρας καὶ εἰληφέναι καὶ δεδωκέναι πληγάς, καὶ ταῦτ' ἐναι
νέων ἁθρόπων. ἦμας δὲ πάντας τοὺς ἀδελφοὺς
παροίνους μὲν τινας καὶ ὑβριστὰς κατασκευάσειν, ἀνγώ-

mn Bekker. * καὶ περὶ Ζ κυμ Σ.
* Bekker. καὶ παρασκευάζω Ζ κυμ Σ, κατασκευάζει Φ, Κ.
κατασκευάζοι Α1.

by closing the sentence with παρασκευάζου and then begin-
ning afresh with some such sentence as the following: ἀντὶ
γάρ τῆς ὑβρίσεως καὶ τῶν πειραγ-
μένων τὸ πράγμα ἀπαγάγων, εἰς
gέλωτα καὶ σκώμματα ἐμβαλέιν
πειράσεσθαι, καὶ ἔρειν κ.τ.λ., and
in English translation this
would give a clearer sense than
any slavishly literal rendering
of the more complex construc-
tion in the text. 'He will
divert your attention from the
wanton outrage and the actual
facts of the case; and will
endeavour to turn the whole
affair into mere jest and ridi-
cule.' That εἰς γέλωτα καὶ
σκώμματα ἐμβαλέιν is the con-
struction (and not καὶ σκώμματα
ἐμβαλέιν πειράσεσθαι, καὶ ἔρειν,) appears
from (Dem.) Phil. 4
§ 76, τὸ πράγμα εἰς γέλωτα καὶ λοι-
δοράκι ἐμβαλόντες.— Hesychius,
referring perhaps to the present
passage, has σκώμματα λοιδορ-
μένα γέλατος χάριν.
14. καλῶν καγαθῶν.] In good
Greek always spelt as two words,
not καλῶ καὶ καγαθὸς or καλοκαγ-
θός (see further, on Isocr. Paneg.
§ 79). Trans. 'sons of respecta-
ble people, who in their youth-
ful frolics have given themselves
nicknames.' σφίσθων αὐτοῖς is not
necessarily limited to the re-
flexive sense, but is sometimes
almost equivalent to the re-
ciprocal pronoun ἀλλήλος (see
Isocr. Paneg. § 34).

ἰδιφάλλους . . . . ἀυτοληκθόνους.
Priapi and Sileni.] K (follow-
ing the French translation of
Auger). For an account of the
word ἀυτοληκθόνος, see Excur-
sus (C) to this speech.

ἐρώι κ.τ.λ.] The construction
is τινς ἐκ τούτων ἐρώι τινῶς ἐταϊρόν.
—καὶ δὴ καὶ, used in descending
to particulars after a general
statement. Or. 55 § 10.—περὶ ἐτα-
ρας gen. sing., not acc. pl.
[See Or. 21 § 36 p. 525 and
Ar. Vesp. 1845. P.]

εἰληφέναι καὶ δεδωκέναι πλη-
γάς.] These phrases are used
to supply the lack of a perf.
passive and active of τύπτω,
as the Attic prose writers know
nothing of the forms τυπθόθαι
and τυπθοῦναι. See Excur-
sus (A) on τύπτω.

παροίνους . . . ὑβριστὰς . . . ἀγὼνο-
Not only 'drunk-en' and 'insolent,' but also 'hard' (or, 'unforgiving') and 'ill-tempered.' The four epithets, separated into pairs by μὲν and δὲ, refer, in the case of the first couple, to the actual 'assault and battery,' in the case of the second, to the lawsuit that had since resulted. Conon will in his artful way represent us as really wild sparks like himself, who are yet inconsistent enough to be churlish and ill-tempered, instead of genial and good-humoured as πάρονοι and ὑβριστά ought to be.

κατασκευάσει.] in bad sense, 'to misrepresent,' 'trump up a story,' 'make out falsely.' Cf. Or. 45 § 82. παρασκευάσεων the reading of the Paris ms depends, like the previous infinitives, on the remote verb πέπνυμαι.

15. χαλεπῶς — ἐγνοχῶς.] 'deeply indignant as I am at the wrongs I have suffered.' Or. 58 § 55 πρῶτα ἐπὶ τοῖς γιγνομένοις φέρειν.

τὸν ἀγανακτήσαμι ἀν.] Or. 8 § 55, ἀγανακτῶν αὐτὸ τοῦτο, ἐὰν μὲν χρήσαται λυπεῖ τινας ὑμῶν ἐλ διαφανεὶσθαι (W). ἀγανακτῶν and similar verbs implying mental emotion, though occasionally followed by a dative with or without ἐπὶ, may have an accusative neuter pronoun (Kühner, Gk. Gr. § 410 c. 5). τοῦτο is explained by ἐλ ἀληθῆ δέχει ὑπὸτι λέγειν, 'deeply indignant as I am at the wrongs I have suffered, I should (if you will pardon the expression) feel no less resentment at this, and should deem myself the victim of a fresh outrage at your hands, if Conon shall be held by you to be speaking the truth about us... 'ἐλ ὀλὸν τ' εἰπεῖν must be understood as a parenthetical apology for using the strong word ὑβρισθῆναι to express the outrage that will be done to the feelings of honest men like the plaintiff, if the defendant's bare assertion is believed outright, and if no weight is given to the unimpeachable testimony presented on the other hand by the exemplary lives of himself and his brothers. Cf. esp. § 43 ἐλ προσυβριθέλσαι ἄψεως καὶ δίκης μὴ τυχῶν.

αὐτὸν αἰτίσθητα] sc. εἶμι, 'that, whatever sort of person each one shall assert that he is, or his neighbour shall accuse him of being, such he shall be considered to be, and respectable citizens shall have no advantage at all from their daily life or conduct.'
16 μετρίως ὄφελος. ἦμεις γὰρ οὕτε παροιμοῦμεν οὐδ' ὑπερβάλλομεν ἵπτ' οὖνειν άνθρώπων ἑωράμεθα, οὔτ' ἀγνώ-μουν οὖν ἡγούμεθα ποιεῖν, εἰ περὶ δὲν ἡδικήμεθ' ἄξιοι-μεν κατὰ τοὺς νόμους δίκην λαβεῖν. ἵδυφάλλως δὲ καὶ αὐτοληψίας συγχωροῦμεν εἶναι τοὺς νικεῖ τοὺς τούτου, καὶ ἔγωγ' εὐχόμαι τοῖς θεοῖς εἰς Κόνωνα καὶ τοὺς νικεῖ τοὺς τούτου καὶ ταῦτα καὶ τὰ τοιαῦτα ἐπανατα
17 τρέπεσθαι. οὔτοι γὰρ εἰτέν οἱ τελοῦντες ἀλλήλους τῷ

§§ 16—17. As to our own character, no one has ever seen us playing drunken pranks on other people, and we cannot see how our opponents can call us 'hard' on others, if we claim redress. Conon's sons are welcome to belong to their disorderly clubs, but I shall be surprised if this or any similar plea will enable them to escape with im- punity.

16. οὕτε παροιμοῦμεν οὗθ' ὑπερβάλλομεν ... ὅτι ἀγνώμονας κ.τ.λ.] This refers to § 14, παροιμοῦμεν... καὶ ὑπερβάλλοντες...ἀγνώμονας δὲ καὶ περαιών. The MSS have οὗθ' ὑπερβάλλομεν, which Baiter (followed by Dindorf and Westermann) alters into οὗθ' ἀγνώμονας περαιών. It would be better perhaps to leave οὗθ' ὑπερβάλλομεν, and to alter οὗθ' into οὗθ' before ἀγνώ- μον. The break between the second clause and the first is clearly greater than between the two parts of the first (viz. παροιμοῦμεν and ὑπερβάλλομεν).

εὐρόμεθα.] This form of the perf. of ἐρωτά (for the older Attic ὥμαι, the 2nd and 3rd sing. of which occur in Dem.) is also found in Isocor. de permutatione § 110, μεθ' ύπ' ἐνός ἑωραῖσθαι, possibly the earliest extant instance (de perm. belongs to n. c. 355; katὰ Κό- νωνος to n. c. 355 or 341).

συγχωροῦμεν κ.τ.λ.] They are welcome, so far as we are concerned, to the attributes of Priapi and Silemi. For the dat. cr. § 44, τοιούτους ἡμᾶς ἐπιτηδεύειν.

eἰς Κόνωνα...τρέπεσθαι.] Passive. 'recollect upon the head of Conon.' Ar. Ach. 883, τολυ- πραγμασίαν μν ἐπὶ κεφαλὴν τρέ- ποντα ἐμοί. (Dem.) Epist. 4 § 10, οἱ θεοὶ...τὴν ἄκουσ ἀληθεύ- ματα εἰς κεφαλὴν τῷ λέγοντι τρέ- ποντι.

οἱ τελοῦσθε κ.τ.λ.] 'who initia- te one another with Priapic rites.'—τολυ πραγμασία ἐπὶ, 'involve deep disgrace even to speak of.'—μὴ δὲν γε νεδυ. Cf. Plato, Phaedr. 240 d, Crat. 427 π, and see note on Or. 34 § 14.

§§ 17 cont.—20. Compare the spirit of our laws with the course which Conon proposes to take. The laws, I understand, after a penalty even to minor offences, to preclude the perpetration of graver crimes, to prevent men for instance being gradually led from wrangling to blows, from blows to wounding, from wounding to murder. Conon, on the contrary, will make light of the whole affair and will raise a laugh to get himself acquitted. Why! none of you would have laughed had you seen me when
I was being brutally maltreated, and when I was carried helpless to my home.

17. ἑνὸν γὰρ.] The English idiom requires us to leave γὰρ untranslated, or else to render it by the exclamation 'why!'—'What has all this to do with me? Why! For my part, I am surprised if in your court they have discovered a plea or pretext, thanks to which a man, if convicted of outrage and assault, shall escape punishment.'

ὁ μὲν γὰρ νόμοι κ.τ.λ.] The influence of ὁ μὲν extends over the whole of the two following sections, it is then caught up and reiterated in the clause ὀδ' ἐν μὲν τοῖς νόμοις οὕτως. Thus the first ὁ μὲν has no δ ὀα corresponding to it, until we reach the words ὁ δ' ἐπὶ Κόρων. 'The laws say so and so... 'Not so Conon.'

τὰς ἀναγκασες προφάσεις κ.τ.λ.] i. e. προεξοσχ. δῶρο μὴ τ' αναγκασες μείζους γίγνονται. Thus, to use the illustration supplied below by Demosthenes himself, abusive language is a πρόφασις for dealing blows; blows again are a πρόφασις for inflicting wounds; lastly wounding, for homicide. The laws, by ordaining a legal remedy at each stage, (1) defamation, (2) assault, (3) unlawful wounding, interpose to prevent defamation, which is a pretext for assault, growing into actual assault; similarly assault developing into unlawful wounding, and ultimately into homicide.

'The laws on their part have, on the very contrary, made provision, even in the case of pleas of necessity, against the development of these pleas into greater proportions.' [The meaning is, that the law, by providing an action for every kind of insult, has made it unnecessary for the aggrieved to resort to extremes in avenging himself. By ἀναγκασες προφάσις he means, for instance, the plea, that a man was insulted and he was obliged to resent it. The law says, 'that obligation must not be pressed too far, so as to justify you in taking very violent revenge.' P.]

ἀνάγκη γὰρ...γέγονεν.] The plaintiff, a quiet, common-place soldier, is here on the verge of displaying a familiarity with legal technicalities which would be not only out of keeping with his ordinary character, but would be resented by those of the jury who happened to be less versed in legal learning.
court would be apt to ascribe his acquaintance with the details of the law of defamation, assault, and homicide to that over-litigiousness of character which was as unpopular as it was common, at Athens; or, at the very least, they would put him down as a pedant. Hence Demosthenes introduces a passing apology, explaining that the plaintiff, honest man, owes all his legal lore to the enquiries rendered imperative by the maltreatment he had received from the defendant. Hence, too, the skilful disclaimer of superior knowledge involved in the subsequent phrases: φασιν... γνωσκοντακε, κασιω... εναποληκακον,
κακηροας δικαιο... I scor. κατα λοκτον (an ailea δικα δια the present case), § 8 (ει θετε της ημου των δοκομονον ουνι... γνωσκοντα διαριντα ειναι το των αλλων, ουτη και περ κακηροας της ημου θεσει, δι καλειν της λεγοντας τα των αναριθτων πεπαλαιωσας δραχμας φελεα, Cf. Lysias, Or. 10 §§ 6—12, Dem. Or. 23 § 50, Or. 21 § 32.

18. λοιποροκομουνον. 'reviling one another.' For the reciprocal sense, of. Or. 54 § 40, έχοντος αλλοιω... λοιποροκομουνον και τελωντας αυτοι ταδηργηθαι, and Ar. Ranus 857, προσων ηληχ δικαιο, εληγχου, λοιποροκομουνον βι ου θεμις ανδρας τοιγας ωστερ άρτοπω- 
λιδας.

As λοιποροκομουνον is used in the sense of κακων αγορασαν αλλω- 
λους, so also λοιδορα sometimes occurs as an equivalent for the precise technical term κακηροας. Hence we have in 
Ar. Vesp. 1207 εινι διακων λο- 
δορας (sc. κακηροας) and Athenaeus (xii. 525 g.) quotes from 
Antiphon εν τω κατ 'αλκιβιδου 
λοιδορας, possibly meaning a 
speech in a δικη κακηροας. 

alikas] sc. δικαιο, of which the present case is an instance.

For the general sense of the following sentences, cf. Isocr. 
κατα λοκτον Or. 20 § 8 καλα πη μικραι προφασι εις μεγαλων 
κακων αυτων γεγοναι, και... δια 
της των τοιμων και αυτων εκ 
ης των δραματον προσχετυνων δι 
εις τραυματα και λαμαται 
και φυγας και της μεγατας 
συμψοφας έλθειν.

Ενα μηδει—μηδει,] to pre- 
vent anyone, when he is the 
weaker party, defending himself 
with a stone or any similar 
missile,' e.g. an οπτοθον, 
Lysias Or. 4 § 6. See Mahaffy's 
Social Greece, p. 358—360.

τραγματος... γραφαλ.] [Lysias] 
Or. 6 κατ' Αρδοκιδου § 15 Δι της 
ανδρας αγωνότας, κεφαλην ή 
προσωπον χειρας ή ποδας, αυτοι 
κατα της κρης τους δε άρ 
των πεσεται τη κατερθες 
των, και εν κατη, ενδειξει 
ναλατη ημιοντηεται.

The fourth oration of Lysias
is a very brief defence in a case of 'malicious wounding,' τοῦ ἀδικίας ἐκ προνοίας. The defendant endeavours to prove the absence of προνοία ('or malicious prepenso'), and implores the βοήθεια (ἐὰν Δραματος κ.τ.λ.) to rescue him from banishment (§§ 6, 12, 20). In Asschin. Oeisiph. § 51 a τραύματος γεγραμμένος, it is no doubt, was first mentioned; and the latter orator (Aristoec. § 24) quotes the law of γεγραμμένος κ.τ.λ. that the law itself is mentioned, and the latter orator (Aristoec. § 24) quotes the law of γεγραμμένος κ.τ.λ. that the law protection of him from banishment (§§ 6, 12, 20).

20. ἐν μὲν τοῖς νόμοις οὕτως: ἄν δὴ εἶπη Κόνων "ἔθνες τινες ἐσμὲν ἡμές συνελεγμένοι, καὶ ἐροῦντες "οὐκ ἂν ἤμιν δύνη ταλούμεν καὶ ἀνχοῦμεν," εἶτα γελάσαντες ὑμεῖς ἀφήσητε; οὐκ ἀφίσαι γε. οὐ γὰρ ἂν ἂν

19 τινῶν φόνους γέγνεσθαι. τὸ φαντάζον, οἴμαι, τὸ τῆς λοιπορίας, πρὸ τοῦ τελευταίου καὶ δεινοτάτου προ-

1263 ομορήτου, τοῦ μὴ φόνου γέγνεσθαι μηδὲ κατὰ μικρὰν ὑπάγεσθαι ἐκ μὲν λοιπορίας εἰς πληγάς, ἐκ δὲ πληγῶν εἰς τραύματα, ἐκ δὲ τραμάτων εἰς θάνατον, ἀλλ' ἐν τοῖς νόμοις εἶναι τούτων ἐκάστοτε τὴν δίκην, μὴ τῇ τοῦ προστυχόντος ὀργῇ μηδὲ βουλήσει ταῦτα κρίνεσθαι.

19, τὸ τῆς λοιπορίας κ.τ.λ.] 'the least of these evils, namely,' abusive language, has been provided for by the laws, for the avoidance of (τροπ.) ἄδοκος — pro-

20. ἐν μὲν τοῖς νόμοις οὕτως: ἄν δὴ εἶπη Κόνων "ἔθνες τινες ἐσμὲν ἡμές συνελεγμένοι, καὶ ἐροῦντες "οὐκ ἂν ἤμιν δύνη ταλούμεν καὶ ἀνχοῦμεν," εἶτα γελά-

σαντες ὑμεῖς ἀφήσητε; οὐκ ἀφίσαι γε. οὐ γὰρ ἂν
§§ 21—23.

γέλωσ υμῶν ἐλάβεν οὐδένα, εἰ παρὼν ἔτη-χανεν, ἡνίκα εἰλκόμην καὶ ἐξεδύγημαι καὶ ύβριζόμην, καὶ ὑψῆς ἐξ-ελθὼν φοράδην ἤλθον οἰκαδε, ἐξεπεποδήκει δὲ μετὰ ταῦθ ἡ μῆτηρ, καὶ κραυγῇ καὶ βοή τῶν γυναικῶν τοσαύτη παρ’ ἡμῖν ἦν ὀσπεραινε τεθειῶτός τινος, ὅστε τῶν γειτόνων τινας πέμψαι πρὸς ἡμᾶς ἐρησομε-νοὺς ὁ τι ἐστι τὸ συμβεβηκός. ὦλως δ’, ὃ ἄνδρες δικασταὶ, δίκαιοι μὲν οὐδὲν ἐδίπον σκέψιν οὐδεμίαν τοι-αύτην οὐδὲ ἀδειαν ὑπάρχειν παρ’ υμῶν ἢ ἢ ὑβριζέν ἐξέστην ἐξ’ ἀρ’ ἐστὶ τῷ, τοῖς δ’ ἡμῖν τούτων τι πράττουσι, τούτοις ἀποκειθαὶ προσήκει τὰς τοι-αύτας καταφυγὰς, καλείνοις οὐκ εἰς τὸ μὴ δοῦναι δίκην,


εὐκόμης—οἰκαδέ. The rhetorician Aristides (Spengel, Rhet. Graeci ii. 495) quotes this sentence to exemplify σοφοδότης, or vehemence of style. On ἐξεπεποδήκει he remarks, οὐκ ἐπεκ έξεληθοῦσε, ἀλλὰ ἐμφανικῶτερον τῇ δραματίᾳ, ἐξεπεποδήκει ἡ μήτηρ ἐν γαρ τῷ ἄνθρωπῳ ἐμφασις.

φοράδην. ὃ φερόμενος βασταγ-μῷ (a litter). Hesychius.

τεθεῖότος. The compound tenses ἀποθνῄσκω, ἀποθανοῦμαι, ἀπθανῶ (which are frequent in Attic prose and comedy, but are not used in tragedy) have no corresponding perfect, but take instead the simple forms ἀπθνῄσκα, τεθνάω, τεθνῶς. ἀποκεῖθαι and the like are never found in Attic verse or prose. (Cobet, nov. lect. 29 and Veitch, Greek verbs.) Cf. Plato, Phaedo 64 a, ἀποθνῄσκειν τε καὶ τεθνάω, and 71 c, ἐκ τῶν τεθνηκότων, followed in the very next line by ἐκ τῶν ἀποθανήτων.

§§ 21—23. It is only those who are misled by their youth into acts of outrage that deserve any indulgence, and even in their case, such indulgence ought not to get them off altogether, but should extend simply to mitigation of their penalty. But Conon is more than fifty years of age, and therefore inexcusable; and yet, instead of stopping younger men, and those his sons, from doing wrong, he was the ring-leader of them all.

Even the penalty of death would be too small for his crimes, for the conduct of his sons in their father’s presence proves that he himself had no reverence for his own father.

21. δίκαιοι μὲν.] The rule of strict justice, stated broadly (δίκαιοι, ‘speaking generally’), as contrasted with the concessions granted in special cases on the principles of equity (or ἐκείνη) implied in the next sentence.

τούτοις] repeats the previous dative τοῖς...ὑπαρτονοικ (‘to these, I say’), and is itself emphatically reiterated in the subsequent κακεῖνος, referring pointedly to the plaintiff’s opponents.

els.] ‘to the extent of.’ For
22 ἅλλ' εἰς τὸ τῆς προσήκουσης ἐλάττω. ἦστις δ' ἔτων μὴν ἐστὶ πλείονον ἢ πεντήκοντα, παρὰν δὲ νεωτέροις ἀνθρώποις καὶ τούτοις ὑέσων οὐκ ὀπως ἀπέτρεψεν ἢ διεκώλυσεν, ἅλλ' αὐτὸς ἤγεμὼν καὶ πρῶτος καὶ πάντων βδελυγμάτων γεγένηται, τίν' ἀν οὕτως ἅξιαν τῶν πεπραγμένων ὑπόσχοι δίκην; ἐγὼ μὲν γὰρ οὐδ' ἀποθανόντα οἴμας, καὶ γὰρ εἰ μὴ δὲν αὐτὸς εἰργάστω τῶν πεπραγμένων, ἅλλ' εἰ παρεστηκότος τοῦτον Κτήσθιει ἅλλος ὁ νῦν ὁ τούτου ταῦτα ἄπερ δὲν πεποιηκός ἐφαί—

23 νεοτέροις, τούτου ἐμοσιεῖτ' ἀν δικαίως. εἰ γὰρ οὕτως τοὺς ἑαυτοῦ προηκταῖ παῖδας ὅστε ἐναντίων ἐξαμαρτάνονται ἐαυτοῦ, καὶ ταῦτα ἐφ' ὅν ἐνοῖς δίκην ἢ ζημία κεῖται, μὴδε φοβεῖσθαι μητ' αἰσχύνεσθαι, τὶ τούτων οὗκ ἂν εἰκότως παθεῖν οἴεσθε; ἐγὼ μὲν γὰρ ἢγομέναι

Π Bekker (st. Leipsig ed.). +οὗτος Bekk. (Berlin).

this sense, see my note on Eur. El. 1072. P. 22. ταρών δὲ—γεγένηται.] Cf. § 6 ad fin. τίν' ἀν—δικαίω.; i.e. 'Is there any punishment to which he could submit, that would be adequate to his crimes?'—On ἀποθανόντα, cf. note on § 20, τεθέντωσ. With ὅμως we understand δίκαιον δὲ τῶν πεπραγμένων ὑπόσχοι δίκην.—ἄπερ νῦν, ὅστε πεποιηκός φαίνεται

toúton ἐμοσιεί.· ἀν δικαίως.] 'even then you would have abhorred the defendant, and rightly too!' or (with Kennedy) 'even then he would have deserved your execution.'

23. προηκταῖ.] Perfect passive with middle sense 'has had them brought up' (Liddell and Scott), or simply 'has trained them,' (gesogen hat). This explanation is due to Reiske, and is probably right. But the general sense of προδώ, 'to lead on by little and little' (§ 18, προδώγουσα), may perhaps warrant our understanding it of Conon's permitting his son to be constantly taking liberties, and going step by step from bad to worse. προηκταῖ, may in the latter case be rendered 'has spoilt;' (verzogen hat, Westermann and G. H. Schaefer), but the two meanings are almost identical, and the general sense the same.

καὶ ταῦτα ἐφ' ὅν—κεῖται.] 'and that too in the case of acts, for some of which the penalty ordained is death' (referring to laws against βρεῖσιν and περὶ τῶν λακωνατῶν, cf. § 1 ad fin.). ἐφ' ὅν ἐνοῖς stands for ἐπὶ τούτων ὅποι ἐνοῖς [or, perhaps, καὶ ταῦτα (ἐξαμαρτάνοντας) ἐφ' ὅποι ἐνοῖς. P. 20. toútor.] Conon; εκεῖνος his father (who was probably dead, as we may take αἰσχύνεσθαι as an imperfect imperative); τούτου his sons.—The construction of the last clause is ἃ ἦν ἂν καὶ τούτου (τιμῶν καὶ δεδεινα) αὐτῶν.
186 ΛΙΒ. ΚΑΤΑ ΚΟΝΩΝΟΣ ΑΙΚΙΑΣ. §§ 24—26.

ταύτη εἶναι σημεία τοῦ μηδὲ τούτου τῶν ἐντοιχίαν πατέρας ἀρχάγγελων: εἰ γὰρ ἐκείνου αὐτῶς ἐτίμα καὶ ἔδειε, κἂν τούτους αὐτὸν ἥξιοι.

24 Δαβίδ δὲ οὗτος τοῖς νόμοις τοῦ τῆς ὑβρεως καὶ τῶν περὶ τῶν λαθοδοτῶν καὶ γὰρ τούτοις ἀμφότεροι ἐνόχους τούτους ὑφεσθε. λέγε.

ΝΟΜΟΙ.

Τούτους τὼν νόμους ἀμφότερος εκ τῶν πεπραγμένων ἐνοχος Κόνων ἐστὶν αὐτος· καὶ γὰρ ὑβριζε καὶ ἐλαβοῦσε. εἰ δὲ μὴ κατὰ τούτους προείλομεθ' ἡμεῖς δίκην λαμβάνειν, ἡμεῖς μὲν ἀπράγματες καὶ μέτροις φανοῦμεθ' ἀν εἰκότως, οὗτος δὲ ὁμολογεῖσκεν. 25 καὶ μὴν εἰ παθεῖν τί μοι συνέβη, φόνον καὶ τῶν δεινο-

* τῶν νόμων τοῦ τῆς ὑβρεως Bekker (Berlin ed.). τοῦ νόμως τῆς ὑβρεως Z et Bekker (st. Leipspig ed.) cum ΣΦ.

§§ 24, 25. Take and read the statutes on brutal outrage and on highway robbery, to both of which the defendant is amenable, though I have declined to claim redress under these statutes. Further, had death ensued, he would have been chargeable with murder.

24. τῶν τῆς ὑβρεως.] Or. 21 (Meid.) § 46, where a document is given, purporting to be the law in question.

Αν δὲ τὸν περὶ τῶν λαθοδουτῶν.] The periphrasis is due to the fact that the crime has no name specially appropriated to it in Attic Greek of the best age (λαθοδουτεῖα is found only in a glossary, and λαθοδουτικὸς δίκη in the rhetorician Hermogenes, fr. Α. 170). Cf. § 1, where λαθοδουτῶν ἀπαγωγῆ is parallel to ὑβρεως γραφα. See Mayor's note on Cicero, Phil. ii. § 8.

απράγματος καὶ μέτροι.] 'Quiet and inoffensive,' Or. 42 § 12 μετρίου καὶ ἀπράγματος τοῦτου μὴ εὑρίσκει κεφαλὴν εἰς τὸ δικαστήριον βαδίζειν. Cf. Or. 86 § 53.

26. εἰ παθεῖν τί μοι συνέβη.] A common euphemism for death. Or. 23 (Aristoc.) § 59, ἀν ἄρα συμβῇ τί παθεῖν ἐκεῖνω. A frequent formula at the beginning of a Greek will was: ἔται μὲν εὖ, ἓν δὲ τί συμβάλλῃ, τάδε διαιταθέμενοι (Diog. Laert. v. p. 51).

Cf. Cicero, Phil. i. § 10, si quid mihi humanitus accideret, and Sheridan's Rivals, v. 3 (just before a duel), Sir Lucius O'Trigger: 'But tell me now, Mr. Acres, in case of an accident, is there any little will or commission I could execute for you.' Acres: 'I am much obliged to you, Sir Lucius—but I don't understand.' Sir Lucius..., 'Ifan unlucky bullet should carry a quietus with it, etc.'
26. "A toinw, o0 h2 deia eγγυνετο, ετοιουν, βουλο—1265

γου.] 'for instance,' or, 'at any rate,' one person was condemned for such an offence. Tr. 'the father of the priestess at Brauron, though he confessedly had not laid a finger on the deceased, and merely because he encouraged the assailant to hit him again, was outlawed by the court of the Areopagus.' P.

της Βραυρωνδεων ιερειας.] Priestess of Artemis, who was specially worshipped at Brauron, the ancient home near the western coast of Attica, where Orestes and Iphigenia are said to have landed with the statue of the Taurian goddess. Wordsworth's 'Athena and Attica,' c. xxviii.

'The daughter of Agamemnon was brought here, as the legend related [Iph. T. 1461], from the gloomy regions of the Taurian Chersonesus, and placed as a priestess of Diana's temple in this cheerful valley, where she was said to have lived and died; and where her supposed tomb was shown in after ages.' The principal ceremony in the Brauronia, held every five years, was the rite performed by the young girls of Attica, dressed in saffron-coloured attire, who played as bears in honour of the goddess. Dr. Lyc. 645 ἀνακολύτων οὑκ αγαφήσοντος. See Excur. ibn. 'Apelov παγειμα, 27, 28, 29, 30. Reiske (index Graec.) is clearly wrong in his rendering deliquerint animis sub verberibus: had the clause referred to the victim, the singular would have been used, to correspond to τοιεστοισιν. § 26—29. At the arbitration my opponents, by wasting time and introducing irrelevant
188 LIV. KATA KONÔNOS AIKIAΣ. [§§ 26, 27:

μαί προς ὑμᾶς εἰπεῖς καὶ γὰρ ἔκ τοῦτον τὴν ἀσέλγειαν θεάσεσθε αὐτῶν. ἐποίησαν μὲν γὰρ ἔξω μέσων νυκτῶν τὴν ὁραμ, οὔτε τὰς μαρτυρίας ἀναγγείλασκεν εἰθέλοντες οὔτε ἀντίγραφα διδόναι, τῶν τε παρών τῶν ἕμων καθ' ἑνά οὐτὼς πρὸς τὸν Λίθον ὁγιστεῖς καὶ ἔξ-

βωμῷ βιομένη λύμε".

matters, protracted the proceedings beyond midnight, to the disgust of all the bystanders, and at last even of themselves. They then, with an evasive object, put in a challenge, offering to surrender certain slaves to be examined by torture as to the assault, and they will make much of this challenge. But had it been a bona fide offer, it would have been made not at the last moment, but long before.

ἡ δ' ἀρα.] Civil actions at Athens, before being brought into court, were almost invariably referred to arbitration. The Arbitrators (καταγγέλλω) were either public and appointed by lot (ἐκρικτολογολ), or private and chosen (καταγγέλλω) by the parties to the impending suit. In cases brought before a public arbitrator the parties might appeal to a higher Court; whereas the decision of a private arbitrator was final. See esp. Or. 21 (Meid.) § 94 ὑπὸ τῶν δικαστῶν ἐμν. The δ' ἀρα here described was of the former kind. (See further Dict. Antq. s. v. ἀρα and Excursus to Kennedy's Demosthen. Leptines &c. p. 395–403.)

ἐξωθήναι—ἀναράς.] 'They prolonged the time beyond midnight.' For the plural νυκτες in the sense nocturna temporae cf. Plato Phileb. 50 d ὑπὸν ἅλγε πότερα δῆλος μὲ ἡ μέσας παρασκεύες νυκτές, Protag. 310 c, and Symp. 217 d πόρῳ τῶν νυκτῶν. At. Nub. 1, τὸ χρῆμα τῶν νυκτῶν ὑπὸν.

οὖθε—διδόναι.] 'by refusing to read aloud the depositions or to put in copies of the same.' The depositions were indispensable, and the defendants' refusal would obviously protract the proceedings, and lead to lengthy debates between the Arbitrator and the parties to the suit.—τῶν παρών τῶν μαρτυρῶν,—καθ' ἑνά = ἑκατον, 'one by one,' sing. illatim. Or. 9 § 22, καθ' ἑνά ἔννοια περικόπτει καὶ λειτουργεῖ τῶν Ελλήνων (Buttmann's index to Midias s. v. καθ').

ὁγιστεῖς.] 'merely,' sic temere, Homer's ὁγισε, ox μᾶς ὁγισε, 'just bringing our witnesses up to the altar and putting them on their oath and nothing more,' without allowing them to proceed with their depositions.

Μέγας.] The ms have βεμένω, retained by the Zurich editors (Baiter and Sauppe), but altered into Μέγας by Dindorf and Westermann, on the authority of Harpocratus, who has the following article: Μέγας ἄμμοσθεν ἐν τῷ κατὰ Κάνωνος τῶν τε παρών τῶν καθ' ἑνά οὕτως καὶ πρὸς τὸν Λίθον ὁγιστεῖς καὶ ἔξωθησεν (sic). ὡς καὶ Ἀθηναίοι πρὸς τὸν Λίθον τούς ὄρκους ποιεῖται ὡς Ἀθροτελής ἐν τῷ Ἀθηναίων πολιτείᾳ καὶ Ἐλέρχος ἐν τῷ γ' ὑποσημανομεν.
ορκιζομαις, καὶ γράψομαι μαρτυρίας οὖν ἐν πρὸς τὸ πράγμα, ἀλλ’ ἐξ ἔταιρος εἶναι παίδευν αὐτῷ τούτῳ καὶ πεπονθέναι τὰ καὶ τὰ, ὡς τοὺς θεοὺς, ὡς ἀνδρεῖς δικασταὶ, οὖν δὲ ἄστις οὐκ ἔπειτα τῶν παρόντων καὶ ἐμίσει, τελευτώντες δὲ καὶ αὐτοὶ οὖν τούτοι ἔστωσι. ἐπειδή δ’ οὖν ποτ’ ἀπεῖπον καὶ ἐνεπλήσθησαν ταῦτα ποιοῦντες, προκαλοῦνται ἐπὶ διακρούσει καὶ τῷ μὴ σημανθήναι τοὺς ἔχωνς ἑθελεῖν ἐκδοῦναι περὶ τῶν πληγῶν παίδας, οὕματα γράψαντες. καὶ νῦν οἴμαι περὶ τούτ’ ὀλοίμαι Ζ.

So Hericythus, ὥστε βόλος, βωμὸς καὶ βάσις. Plutarch, Solon 25, ὁμοῦν δρκον ἐκατον τῶν θεομοθέτων ἐν ἄγορᾳ πρὸς τῷ λίθῳ.

The word βωμὸς was perhaps originally an interlinear or marginal explanation of λίθον, and subsequently thrust the right word from the text.

The διαμιμήθη might hold their arbitration in any temples, halls or courts available, e.g. in the temple of Hephaestus as in Isocr. Τραπεζ. § 15, ἐλομνοῦ δὲ βασιντά ἀναγνώσαμεν ἐλι το Ἡπειρίτων. Similarly in Or. 36 § 16 we have seen the temple of Athone on the Acropolis mentioned as the scene of an arbitration. In any case an altar for the administration of oaths would be readily at hand, and it is unnecessary to suppose that in the present passage any special public altar is intended.

ἐξορκίζοντες] Also used in Aeschin. falc. leg. § 85, ἐξορκίζον τὸν συμμάχους, in the same sense as the more common ἔξορκον (for which see Or. 45 § 58).

οὗτος πρὸς τὸ πράγμα] ὥστε, ὀτέρως, 'utterly irrelevant.'—τοῦτο, ὥστε, Ctesias. They brought all sorts of irrelevant depositions, one of which was that Conon's son was illegitimate [and therefore Conon was not legally responsible for his actions; further that he, Ctesias, has undergone certain ill treatment which justified the outrage he committed on Ariston. P.]

d.] The antecedent is not τὰ καὶ τὰ, but the general sense of the whole of the preceding clauses; 'a course of conduct which, &c.'

τελευτώντες — ἐαυτοῖς.] ὅσον ἔπειτα καὶ ἐμίσει, 'at last they were indignant at and disgusted with themselves.' The speaker feeling that, by implying that his opponents had had the sense to desist, he has made too much of a concession to them, hurries over his admission, and in the next sentence cuts the matter short by the opening words ἐπειδὴ δ’ οὖν i.e. 'whether this was the real reason or no, at any rate when at last they did desist, &c.'

προκαλοῦνται — γράψαντες.] 'with a view to gain time and to prevent the document-cases being sealed up, they put in a
challenge, offering to surrender (lit. that they are willing to surrender) certain slaves, whose names they wrote down, to be examined as to the assault.

The ἰσοτάησις, or challenge, demanding or offering an enquiry into a special 'issue' before an Arbitrator very frequently related to the testimony of slaves presumably cognisant of the matter in dispute. In many cases the challenge would take the form of demanding that the opponent's slaves should be given up to torture (to elicit facts which that opponent was alleged to have concealed or misrepresented)

(Dict. Antiq. p. 898 a.) Harpocr. πρόκλησις' εἰλθέων, ὅπου δικαίωσαν τινα, ἔλαυνε ἐπιτε εἰρήσανται ἐὰν βάσανον ἂυ ἀρρενιλίαν τοῦ πράξατος, καὶ τοῦτό ἐκαλεῖτο προκαλεσθαι, τὸ δὲ γραμμάτειον τὸ πέρι τούτου γραμμένον ὅμως ἐντόπιο πρόκλησις. (See Or. 45 § 59—62, and Or. 69 § 124—5.)

In the present instance Conan offers to allow certain slaves to be examined. The plaintiff evidently refuses, and this refusal, he says, is sure to be made a strong point against him. He therefore insists that the πρόκλησις in question was a mere ruse to protract the proceedings before the Arbitrator, and that had it been a bona fide offer it would have been made at an earlier date, and with all the proper formalities (§ 27—29).

τοῦτο ἔγγυον.] All the legal documents (μαρτυρίαι, προκλήσεις &c.) produced during an arbitration or, indeed, any preliminary examination, e.g. an ἀνάκρισις, were enclosed in one or more caskets, or ἔγγυα (possibly of a cylindrical shape), which were sealed up and carefully preserved, to be ready in the event of an appeal. See Or. 45 §§ 17 and 57, Or. 39 § 17, and cf. Or. 48 (Olymp.) § 48, τὰς συνθήκες πάλιν σημαφορανεῖται, τὰ δ' ἀργυραφάλειας ἐν τοῖς ἔγγυα.

τῷ δικαίῳ τούτῳ.] 'this plea,' ἡ διαίτης ἀποφανεμένης.] 'when the award was just being announced.' ἀποφαίνεσθαι, in middle of the διαίτης Dem. Or. 33 (Apelt.) § 19, εἰ δὲν (σο. ἐνεε τῶν συνδιαιτητῶν) ἀποφαίνεσθαι ἡ διαίτης § 20 ἐρήμην κατ' αὐτοῦ ἀπεφάνη τὴν διαίτην (cf. § 21 τὴν ἀποφαίνεσθαι ἐποίησε). In passive (as here) of the award itself. Reiske's Index (to which these references are due) is wrong in rendering it as a past tense, sententia iam pronuntiata.
ούκ εἰδὼς εἰ περιφεύγομαι, πρὸς ἀπαντᾶς τοὺς εἰς ὑμᾶς τὸν ἀπέθανον τὸν πρῶτον πατᾶξαντα καὶ τὰ πλεῖσθ' ὑμᾶς ἀπετραγμένον, τὸτ' ἄν εὐθεῖας ἢκεν ἐχὼν μάρτυρας πολλοὺς ἐπὶ τὴν οἰκλαν, τὸτ' ἄν τῶν οἰκέταις παρεδοῦν καὶ τῶν ἔξ' Ἀρείου πάγου τινάς παρεκάλει: εἰ γὰρ ἀπέθανον, παρ' ἐκείνους ἄν ἦν ἢ́ 1266

29 δίκη. εἰ δ' ἄρ' ἡγυνώσε ταύτα καὶ τοῦτο τὸ δίκαιον ἐχὼν, ὡς νῦν φήσει, οὐ παρασκευάσατο ὑπὲρ τηλικοῦτον κωδίνου, ἑπείδη ἡ ἀνεστηκός ἦδη προσεκαλασάμην αὐτὸν, ἐν τῇ πρώτῃ συνόδῳ πρὸς τῷ διαμητῇ παραδίδετο ἐφαίνετ' ἄν ἄν οὐδέν πέπρακται τοῦτο. ὅτι δ' ἀληθῆ λέγω καὶ διακρούσος ἔγεικα ἢ πρόκλησις ἢν, λέγε ταύτην τὴν μαρτυρίαν' ἔσται γὰρ ἐκ ταύτης φανερών.

ΜΑΡΤΥΡΙΑ.

30 . Περὶ μὲν τούτων τῆς βασάνου ταύτα μέμνησθε,

28. τὸν πρῶτον πατᾶξαν.] 'I was pointing out the defendant, to all who came to see me, as the man who struck the first blow.' In a case of assault, the question who struck the first blow would be, of course, important. Or. 47 § 40 βούλευα τοὺς μάρτυρας παρασκέψαι οὖν εἰδὼς με πρῶτον πληγέστα τῇ δ' ἄλοι τούτ' ἐστον, ὡς ἁν ἄρ' εὔμενων ἀλήθειαν πρῶτον. Cf. Or. 23 § 50, Isocr. Or. 20 § 1, Lysias, Or. 4 § 11.

ἐχὼν μάρτυρας πολλοὺς.] To give full and legal attestation to the πρόκλησις. So also in Or. 46 § 61, and elsewhere, a πρόκλησις is attested by a μαρτυρία.

ἐξ Ἀρείου πάγου τινῶς.] as special witnesses. § 26 εἰ παθεῖτ' γὰρ συνήθει φόνον... ἄν ἦν ὑπόθεκος. On the jurisdiction of the Areopagus in cases of homicide, see especially §§ 65—70 of the speech against Aristocrates, Or. 23.—By τοῦτο τὸ δίκαιον is meant τὴν πρόκλησιν.

29. προσεκαλασάμην.] 'I cited, summoned him,' served him with a πρόκλησις, not to be confounded with προσεκαλασάμην, 'I challenged him, put in a πρόκλησις.' One ms (the Augustanus primus) actually has προσεκαλασάμην, — a manifest blunder.—'If he did not know this serious responsibility, and if having (as he will now tell you) this plea on his side (i.e. the offer of the slave), he took no precautions against such a risk (i.e. of a capital charge for murder), yet at least, when on my recovery I issued a summons against him, in our first meeting before the Arbitrator he would have shewn himself willing to give up the slaves.'

§§ 80—88. He thereupon put in false evidence, alleging that
certain witnesses, boon companions of his own, deposed that they found the defendant's son and myself fighting in the market-place and that the defendant did not strike me. On my own part, I produce the evidence of strangers who came up by accident, attesting that they saw me struck by the defendant. What motive could these strangers have had for giving 'false evidence' on my side?

30. ὧν ἐνεκ' ἐκκρούων ταύτ' ἑπολεί. As delay and evasion were the object (ὡν ἐνεκα) of the defendant's conduct (§ 27 ἐμὶ διακρούσαις and § 29 διακρούσεως ἐνεκα), we may at first sight suspect (with Westermann) that ἐκκρούων is an interpolation; it may, however, be defended on the ground that it enables the speaker to reiterate emphatically the real motive of his opponent,—'his purpose, his evasive purpose, in so doing.' In this view, we may, if we please, punctuate the passage thus: ὧν ἐνεκα, ἐκκρούων, ταύτ' ἑπολεί. Cf. fals. leg. § 144, ἐκκρούσας εἰς τὴν ὑπεραλλαγήν, and see Or. 36 § 2 and Or. 45 § 4.

dιαίωσας.] 80. τὸ δίκαιον γενέσθαι, 'to have claimed to have this plea allowed him,' i.e. the plea founded on his appeal to the evidence of his slaves.

εἰς τὸ δίκαιον. The construction is, οὕτος ἠλέγχετο ταύτα πάντα πρὸς τῷ διαίσθητι ἀπερ (accusative) νῦν παρ' ὑμῖν ἠλέγχεται. Thus the nominative to ἠλέγχετο is the same as that of ἐδείκνυ- το in the next clause, and no change of construction is requisite.

πᾶσι.] not masc., but to be taken with τοῖς ἐγκεκλήμενοις.

31. ἐμβάλλεται.] 80. εἰς τὸν ἔχινον (§ 27), Or. 49 § 65, ἐμβαλλομένον ἐμοὶ δρκων εἰς τὸν ἔχινον. Trans. 'puts in a false deposition endorsed with names which, I take it, you will recognize, when you hear them.'

ἐπιγράφεται.] Or. 53 § 14, ἐπιγράφεται. The phrase hardly means 'to give in one's list of witnesses' (L and S), but rather 'to have their names inscribed as witnesses.' ἐπιγράφεται, it will be noticed, is previous in order of time to ἐμβάλλεται. This ὑστερον πρό- τερον enables the speaker to lead up more easily to the mention of the names of the witnesses.

Westermann draws attention to the following μαρτυρία as indisputably authentic, and therefore serving as a standard by which others purporting to be original depositions may be tested. (See note on Or. 86 (Locr.) § 10.)
The sense shows that Conon is the subject, Ariston the object. The order of the words is, in itself, inconclusive. In ὡς—πιστεύωντας we have the accusative absolute of the participle, used with ὡς, as often with ὡστε (quasi vero).

32. ὡς] is constructed with ἠθέλησαν, five lines distant.

'Αρχεβίαδης, Νικήρατος.] possibly the Nicerasus to whom Demosthenes pathetically refers in Or. 21 (Meid.) § 165, Νικήρατος ὁ τοῦ Νικίου ἀγαπητός παῖς, ὃς ταῦταν ἀνθέθη τῷ σώματι. If so, he would be a great-grandson of the Nicias, who commanded in the Sicilian expedition.

ὃς πιστεύωντας ἠθέλησαν ἠθέλησαν.] Lysias Or. 10 § 40 (with reference to the term λωποδύτης) et tis ἀπά-γοι των φάσκων ἄκτωρατοι ἀπο-δεύσαται ἄν τοις χιτωνοχώροι ἐκδώσατι, where ἄκτωρας (as here) and χιτωνοχώροι are the object and not the subject.

τὰ ψευδή.] Cf. Or. 45 § 2
σαν, εἰ μὴ ταῦθ' ἐξώραν πεπονθότα: ἐπειτ' αὐτὸς ἐγὼ οὐδέποτ' ἂν, μὴ παθῶν ὕπο τούτου ταῦτ', ἀφείς τοὺς καὶ παρ' αὐτῶν τούτων ὡμολογομένους τῶπες εἰμὲ πρὸς τὸν οὐδ' ἄψάμενον πρώτον εἰσίναι προειλόμενην.

33 τί γὰρ ἂν; ἀλλ' ύψ' οὖ θε πρῶτον ἐπιλήγην καὶ μᾶλλον ὑβρίσθην, τούτω καὶ δικάζομαι καὶ μισῶ καὶ ἐπεξήρ-χομαι. καὶ τὰ μὲν παρ' ἐμοῦ πάνθ' ὅμοιος ἄντι τῆς ἀληθής καὶ φαίνεται τούτῳ δὲ μὴ παρασχομένῳ τούτων μάρτυρας ἦν δήποτε λόγος οὐδές, ἀλλ' ἡλικέκαι παρα-χρήμα ὑπήρχε σιωπῆ. συμπόλαί δ' ὄντες τούτου καὶ πολλῶν τοιούτων άργων κοινωνόι εἰκότως τὰ ψευδή μεμαρτυρήκασιν. εἰ δ' ἐσται τὸ πρᾶγμα τοιούτων, "ἐάν

"'Reiskeius, (ὁσοὶ) ἐὰν ἄπαξ—οὐδὲν εἰσὶν τῆς ἁληθ. Hoc quidem specieose, sed illud non pute necessesse.' Dobree.

'if they had not actually seen the assault, they would never have consented to give false evidence,' i.e. evidence which, on that supposition, would have been false, τὰ ψευδή ἂν δῶτα εἰ μὴ ταῦθ' ἐξώραν.

ἐπειτ' αὐτὸς ἐγὼ] refers to δην πρῶτον μὲν (οἱ μάρτυρες) and still subordinate to the distant δην.

πρῶτον.] adv., to be taken with εἰσίναι, contrasted with ύψ', οὖ θε πρῶτον ἐπιλήγην. 'I prosecute first the man who struck me first of all the assailants.' This seems better than to take it with ἄψάμενον, 'him who did not even touch me first.'

eἰσίναι.] εἰς τὸ δικαστήριον. See note on Or. 45 §7. Reiske's index shows that this verb is used in Dem. of either litigant or both, or again of the cause itself, or even with δίκην or γραφήν as accusative after it.

33. τί γὰρ;] 'Why should I?'
The αὐθεν have the interpolation, ἃ δὲ τί; probably a mere explanation of τί; as equivalent to διὰ τί;

δικάζωμαι ... μισῶ ... ἐπεξήρχο-μαι.] 'Sue...abhor...prosecute (visit with vengeance'), 'he it is whom I see and prosecute as my enemy.' The collocation of μισῶ, expressive of inward feeling, between δικάζωμαι and ἐπεξήρχομαι, indicating outward acts, is curious. The latter word is probably immediately suggested by μοῦ 'not only do I hate him in my heart, but I carry out that hatred to its practical issue by prosecuting him.'

φαίνεται] so. ἀληθής ἂν, not 'appears,' but 'is proved to be,' 'is clearly true.'—μὴ παρασχόμενος = εἰ μὴ παράσχετον.

eἰκότως.] to be taken with τὰ ψευδή μεμαρτυρήκασιν, not with κοινωνοί.

εἰ δ' ἐσται κ.τ.λ.] 'If it comes to such a pass, if once certain persons are lost to all sense of shame and openly dare to give false evidence, and (consequently) truth has no advantage, it will be an atrocious state of things.' The simple construction would have been
as follows: ἀπαξ ἀπανασχυνθέσσι τινες καὶ τὰ γευδὴ φανερῶς τολμήσωσι μαρτυρέων, οὐδὲν δὲ τῆς ἀληθείας ὀφέλος, πάντων ἦσσιν ὑμῶν, ἀλλ' ἵσασιν γιαγο, ὡς ἐγὼ νομίζο, τολλοὶ καὶ τὸν Διότιμον καὶ τὸν Ἀρχεβιάδην καὶ τὸν Χαρέτιμον τὸν

§§ 34—37. Many of you know the characters of the witnesses for the defence,—men who, in the daytime, affect an austerity which is very inconsistent with their conduct when they meet together. They will unscrupulously contradict the evidence on our side, but you will remember that I rely on medical witnesses, whereas my opponents have no independent testimony, and, but for themselves, could get no evidence at all against me. People who break into houses, and assault persons in the streets, would surely have no scruple about putting down false evidence on a paltry piece of paper.

§ 34. Ἀρχεβιάδην. This worthy, who has already been mentioned among the witnesses in §§ 7 and 31, and must not be confounded with the still less known 'Ἀρχεβιάδης ὁ Δαμπτηρ' (Or. 52 § 3), was evidently quite a 'character,' judging from Plutarch's description of him as "a man of sour countenance who always wore a coarse cloak and had grown a prodigious beard." Phocian, x. init. ἦν δὲ τις Ἀρχεβιάδης ἐπικαλούμενος λακωνικής, πάρων τε καθεμένων ὕπερφινη μεγέθει καὶ τρίβωναι φώνων ἀν καὶ συνθρωτάτων τοιούτω ἐν βουλήν δομηθείσαιν ὁ Φωκίων ἕπεκαλέσθοι τῷ λόγῳ μάρτιν ἁμα καὶ βοηθών, ὣς ὁ ἄναστας ἔκειν ἄ προς χάριν ἢ τοῖς Ἀθηναίοις συνεβού-
ἐπιστόλων τούτων, ὁ ἐμὴ ἡμέραν μὲν ἐσκυθρώπακασ καὶ λακωνίζειν φασὶ καὶ τρίβωνας ἔχουσι καὶ ἀπλώς ὑποδέδενται, ἐπεὶ δὲ συλλεγόσι καὶ μετ᾽ ἀλλήλους γένωνται, κακῶν καὶ αἰσχρῶν οὐδὲν ἔλλειπον· καὶ ταῦτα τὰ λαμπρὰ καὶ νεανικὰ ἐστὶν αὐτῶν "οὐ γὰρ

λευν, ἀψάμενος αὐτοῦ τῶν γε-

ναίον ἢ ἀρχεβιδής ἐπεὶ "τῇ

σῖν οὐκ ἀρκεῖσθω;" It will be ob-

served that Plutarch's anecdote contains several points of coin-

cidence with the passage be-

fore us.

τῶν επιστόλων] "the grey-

headed man yonder" (present in court). Aristot. Gen. anim. v.

5. 3 ἐπιστολοῦσαι αἱ τρίχες 'the

hair grows grizzled. [ἐπιστόλιος

is perhaps much the same as

the Homeric μεσακίλιος, Π. xii.

361, whether the sense is 'grey

on the top,' or 'half grizzled.' P.]

ἐσκυθρώπακασ] i.e. 'assume

a sour expression and a frown-

ing brow.' Cf. Or. 45 § 68.

λακωνίζειν φασὶ] i.e. 'pret-

tend to imitate the Laconians.

Plato Protag. 342 b, οἷς μὲν (sc.

ἐν ταῖς πόλεισ Λακωνίζοντες) ὡς

tα καταγγυμνατικατοι (i.e. get their ears

battered in boxing) μεμβρανεῖν

αὐτοῦ, καὶ ἱμάτια περειλείπονται καὶ

φλουγμαστοῦνται καὶ βραχεῖα.

ἀναξία φοροῦντες, ὡς δὲ τοῦτο κρατοῦται τῶν Ἑλ-

λήνων τοῦ Λακεανικοῦ. Ἀτ.

Ἀνατ. 1281 ἐλακωνοράκον αὐ-

τανταὶ ἀνθρώποι τότε ἐκπαινοῦν,

ἐπεινοῦν, ἐρρυῶν, ἐσωρυῶν, ἐσκυθρώπων, ἐskutaiophorouν (v. Becker's Cha-

ritics p. 63 with n. 8).

τρίβωνας.] Sometimes men-

tioned as characteristic of La-

conians, Plutarch Nicias 19; τῶν

Σικελίων ἢ σκυθρώπων ἢ τῶν τρίβωνων καὶ τῆς κοµην (of Gy-

lippus the Spartan general). ἐν

τῇ διάκυρε καὶ τῷ τριβνω το

σύμβαλον καὶ τὸ ἄξιωμα τῆς Στρά-

της τὴν καθώρυνε. Athenæus xii.

50, p. 535 (quoting the historian

Douris) Παυσανίας ὁ τῶν Σταρ-

τιτῶν βασιλέω, καταθέμενος τὸν

πάτριον τρίβωνα, τὴν Περ-

οκιν ένενευτε στολή. At the

same time, the regular dress of

the old Athenian diest or eccle-

siastic was the τρίβων and the

βατράχια, both often mentioned

in Aristoph. P.]

ἀπλάς ὑποδέδενται] 'wear

single-soled shoes' sc. ἐμβάζας.

Harpocrasion ἀπλὰς, Δημ. κατά

Κόνωνος. Καλλιστράτος ἤρχεται τὰ

μουστέλμα τῶν ὑποδήματων οὖν

καλεσθαὶ. Στράτις Δημοκρέας

ὑποδήματα σαντῷ πρᾶσσαι τῶν

ἀπλῶν. Hesychius, ἀπλαὶ ὑπο-

δήματος ἔδοξον. They had only one

thickness of sole and were ap-

parently more like slippers than

shoes. (Becker, Charicles, p.

449.) There was also a more

elaborate kind of shoes known as

λακωνικά. For the general drift

of the sentence cf. Isaeus Or. 6

§ 11 οὐκ ἔδωσε καὶ ἐκάλεσε αὐτῷ ὅτι

ἐμβάζει καὶ τριβώνα φορεῖ ὡσεὶν ἀδικομενος τί εἶ ἐμβάζας.

Κῃσύνδοτος φορεῖ, ἀλλὰ οὐκ ἄδικον

ὅτι ἀφελοῦσαν αὐτῶν τὰ δίνα

τόνηρα πετέοντες.

συλλεγόντες] sc. νυκτὸς, con-

trasted with μεθ' ἡμέραν μέν.

κακῶν καὶ αἰσχρῶν] 'wicked-

ness and indecency.'

35. τὰ λαμπρὰ καὶ νεανικά] 'their splendid and spirited

pleas.'

οὐ γὰρ κ.τ.λ.] 'What! shan't

we, &c.' quidni igitur?
Εὐ παρέλαβαν.] const. τί δὲ καὶ
dεινὸν ἐστιν ἐκ τούτων ἀνακαλεῖ
ἐ Ἀρίστων κατὰ σοῦ; ‘is there
any serious harm, anything
really worth fearing?’

insula] passive, referring to
Ariston, like τοῦτο ἡμῶν just be-
fore. ‘ἰμαι is pt. mid. in Soph.
Tr. 1009 (ἔσται) and Pl. Phaedr.
200 (ἰσθαν)’ (we may add Dem.
Or. 61 § 5, ἱσθαν τῆς τρώφος
τοῦτων); ‘pt. passive in Eur.
Hel. 107, Ar. Pl. 301 and Thuc.
11. 100.’ Veitch, Greek Verbs.

ἐρράβαθαι] § 41, τὸ χεῖλος δια-
koneῖς οὕτως ὦσε διαφράναι.
This was doubtless part of the
surgeon’s evidence in § 10.

κατακαίει] second perfect in
passive sense. For other con-
structions, cf. Pl. Gorg. 469 d,
tῆς κεφαλῆς κατακαίειν and Lys.
Or. 8 § 40 κατακαίει τὴν κεφαλὴν
ὑπ’ αὐτοῦ.

36. ἄσω μὴ] ‘except what is (de-
posed) by means of themselves;
‘nam nisi quod sibi ipsi testa-
buntur nullum adversus nos tes-
tem habeunt. Plutaroh Timol.
3, πρὸς διαφερόντων δοσα μη με-
σοτράμων εἰναὶ καὶ μυσκόνηρος.’
G. H. Schaefer.

δση καὶ ὁ] quanta et qualis.
‘In heaven’s name I could not
tell you the extent and the cha-
racter of the readiness existing
on their part to perpetrate any-
thing in the world.’ Cfr. the
common collocation τοὐστός καὶ
τοῦτος (e.g. § 37), which may
often be conveniently paraphrased
as above.

ἐνα εἰδητ. ] The speaker uses
the plural in addressing the δι-
κασταί, and passes off to the
singular λέγε, on turning to the
clerk of the court.

ἐπίλαβε τὸ ὕπορ.] Or. 45 § 8
etc. The κλεψύδρα (Becker’s
Charicles, p. 212 n.) was always
stopped by the functionary in
charge of it (ὁ ἐφ’ ὕπορ) during
the recitation of documents: it
was only the duration of the
speech proper that was reckoned in the allowance of time measured by the water-clock. Or. 86 ends with the words ἔξορα τὸ ὕδωρ ἀπέκτωσεν τὸ ὕδωρ, implying that the orator had found it unnecessary to avail himself of the full allowance of time. The Orators frequently use ὕδωρ in the sense of 'time allotted' for a speech, e.g. ἐν τῷ ἡμέρᾳ τῶν παντών ὕδατος. So Or. 42 fin. πρὸς ἔλλην ὕδωρ ἀναγκαζόμενος λέγειν. Cf. Pliny Ep. ii. 11. 14 dixi horis paene quinque; nam duodecim clepsydrias quas spatiosissimas accепeram sunt additae quattuor.

37. τοῖχους διορύκτωτες.] The documents just read have been deposited to the defendant's witnesses being guilty inter alia of housebreaking (τοιχωρεῖα).

'γραμματείδιον,' a mere bit of paper, 'a paltry document.' Or. 56 § 1 ἐν γραμματείδιῳ διοικείν χαλκὸν εὐημέρων καὶ βιβλίῳ μικρῷ τάν. The diminutive is thrown into effective contrast by the subsequent τοσαύτης καὶ τοιαύτης.

§§ 38-41. I must warn you that Conon will try to impose upon you by swearing by the lives of his own sons and by other strange imprecations. His recklessness about oaths is proved by what I have heard of the proflavity of his youthful days; and surely Conon who would think nothing of perjury is not to be credited in comparison with myself, who, so far from swearing by the lives of my children, would not swear at all except under compulsion, and even then, only in a lawful manner. Such an oath I was willing to take for the truth's sake; and, in self-defence against the perjury of my opponent, I challenged him to accept my offer to take the oath, and I now solemnly swear that Conon whom I now prose-
cute really assaulted and brutally maltreated me.
38. παραστηρήμαν τοις παιδις.] The practice of exciting the compassion of the jury by bringing the children into court is often referred to, e.g. Or. 21 § 99, παιδα γαρ παραστήρεται και κλασθει και τοίγος αυτόν ἐξαιτήσεται, and Hyperides Euxenipp. ad fin. ἐγὼ μὲν οὖν σοι Εὐξεῖνππε βεβοηθήκα διὰ εἶχον. λοιπὸν δ’ ἐστι δεισθαι τῶν δικαστῶν καὶ τοῖς φίλοις παρακαλέν καὶ τὰ παιδία ἀναβιβάζεσθαι, (see especially: Aristophanes' ridicule of the custom in Icerae 668-74 and 976-8). But in the present case a still more sensational effect is to be produced by Conon's laying his hands upon his children's heads and praying that the direst curses may come down upon them, if his statements are false.

καὶ τοῖς ὑμὲνθα] 'to swear by them,—by their lives.' καὶ 'implies the basis on which the oath rests [or, rather, hostile action directed against the object sworn by. So in Ar. Equit. 660, καὶ ἀκόμη παρήκνεσα εἰχὲν ποιήσασθαι χωμάρων, the vow is, as it were, aimed at the lives of the creatures to be sacrificed. P.]. Thuc. v. 47, ὑ-

μνύντων τῶν ἄρχων κατὰ λέον τε-

λείων, Isaeus Or. 7 § 16, ὄμων, καθ’ λέον, Λυσ. Or. 32 § 18, ἐπι-

ορκήσασα κατὰ τῶν παιδίων τῶν ἐμαυθής, Dem. 29 § 26 ἡ-

μήτρη κατ’ ἐμοῦ καὶ τῆς ἀδελφῆς πιστων ἵθελης ἐπιθειναι, Or. 19 § 292, Or. 21 § 119. (Kühner's Greek Grammar, § 483 fin.)

We find a curious parallel in a charge made as follows against Demosthenes himself by Deinarchus, Or. 1 § 71, τοῦ τούτου ἔστι δίκαιον...τοὺς μὲν νῦν προ-

λέγειν...παιδοποιεῖσθαι κατὰ τοὺς νῦνοι...σὲ δὲ τοὺς οὓς γεγενημέ-

νοις υἱοὶ σαύτως προσποιεῖσθαι παρὰ τὸν νῦν τῶν ἔκ ταῖς κρί-

θέσιν ἥκεα γεγομένων δρκων.

ἀπηγγελθεῖσα] i.e. 'our informant listened to them in amazement.'

ἀνυπόθατα] not exactly 'in-

tolerable' but 'irresistible,' 'im-

possible to withstand.' The most upright of men and those who are least likely to tell a falsehood themselves (the jury for instance) are most likely to be deceived by such asseverations (ἤπετ' τῶν τοιοῦτων ἐκ τολμη-

μάτων).

οἱ οἶμαι βελτιστοὶ.] For the position of οἶμαι, cf. Pl. Gorg. 493 c, ἢ δὲ γε οἶμαι φῶς, and Rep. 504 a, ἐξ οἶμας τῆς ἄκροτά-

τῆς ἔλευθερας.
200 LIV. KATA KONÔNOS AÏKIAΣ. [§§ 39, 40.

υπο τῶν τοιούτων ἔξαπατῶνται· οὐ μὴν ἀλλὰ δεῖ πρὸς 1269
39 τὸν βίον καὶ τὸν τρόπον ἀποβλέποντας πιστευεῖν. τὴν
δὲ τούτον πρὸς τὰ τοιαύτα· ὁλυγριάν ἐγὼ πρὸς ὑμᾶς
ἐρῶ· πέπτυμαι γὰρ ἐξ ἀνάγκης. ἀκούω γὰρ, ὡς ἀνδρὲς
δικασταῖ, Βάκχιον τέ τινα, ὡς· παρʼ ὑμῖν ἀπέθανε, καὶ
Ἀριστοκράτην τὸν τοὺς ὀφθαλμοὺς διεφθαρμένον καὶ
τοιούτους ἑτέρους καὶ Κόνωνα τούτοις ἐταῖρους εἶναι
μειράκια ὄντας καὶ Τριβαλλοῦς ἐπόνυμαι ἐχεῖς; τού-
τους τὰ τὲ Ἐκαταία κατεσθίεις, καὶ τοὺς ὀρχεῖς τοὺς

ο Ἐπικ. κατακαλεῖς ΦΣΦ. οἰκ. Z.

ο ἐπὶ μὴν ἀλλὰ] = 'not but that.'
The phrase is always elliptical:
here we may supply ὁ μὴν ὑπὸ τῶν τοιούτων δεῖ ἐξαπατάσθαι
ἀλλὰ...

πρὸς τὸν βίον... πιστεύειν.] 'You
must turn your eyes (away from
ἀπὸ... his solemn assurances in
court) to his life and character
and then believe him (if you
can).

39. πρὸς τὰ τοιαῦτα] sc. δρκους.
πέπτυμαι... ἀνάγκη] i.e. the
defendant has forced the enquiry
upon me (cf. § 17 fn. ἀνά-
κη...).

ταρ’ ὑμῖν ἀπέθανε] 'was con-
demned to death in your court,
—by your verdict.'

Ἀριστοκράτης.] Probably iden-
tical (as Westermann suggests)
with the person mentioned in
Or. 38 § 27 τῶν ἀλεξρῶν ἐστὶ...
τὰ μὲν διὰ τά κατεσθίεις καὶ παρ-
ουσίας μετὰ Ἀριστοκράτους καὶ
Διογνήτου καὶ τοιούτων ἑτέρων
ἀλεξρῶς καὶ κακῶς ἀπηλώκεια.

τὸν τοὺς ὀφθ. διεφθαρμένον]
'the man with the bad eyes'
(perhaps blind from ophthalmasia,
lues). For pass. of διαφθείρω
used of impaired sight or hear-
ing, and similar physical defects,
cf. Hdt. i. 34 ἦσαν τῷ Κροίων
δύο παίδες, τῶν οὔτερος μὲν
dieφθαρτο, ἤν γὰρ δι' ἱμάτιον,
and ib. 58 διεφθαρμένος τὴν
ἀκοήν. Dem. Or. 13 § 13 δεῖ
τὰ ὑπὸ πρῶτον ὑμῶν ἱσασθαι,
διεφθαρται γὰρ.

Τριβαλλοῦ.] See Excur. (D)
at the end of this speech.

τὰ Ἐκαταία.] Once every
month, at the time of the new
moon, dishes of food were set
out for Hecate in the evening
at the places where three roads
met; and the food thus offered
was not unfrequently eaten by
poor people. Cf. Arist. Plutus,
594—7, παρὰ τὴν Ἐκατάη
ἐξετιν τὸν πυθεῖν | ἢτο τὸ
πλούτου ἢτο τὸ πετών βέλτην.

φηνα γὰρ αὐτῇ | τοὺς μὲν ἐχοιστα
καὶ πλουτοῦσα δεῖπνον κατὰ
μὴ δοκείμενον, τοὺς δὲ τίτας
τῶν ἀνθρώπων ἀρτάζεχα πρὸς
cata-
θειαί (with the Scholia). [Ju-
venal v. 36, ‘eexigae ferialis cena
gatella,’ Psalm cxi. 28, ‘they
ate the offerings of the dead.’
This act, and the eating of the
katharímatas, which had a mysti-
cal import, are cited as in-
stances of impious bravado in
things sacred, which angered ill
for Conon’s paying any regard to
the obligations of a solemn oath.
P.] In Lucian’s dialogues of
the dead (1. 1. = p. 331. R.)
ἐκ τῶν χοίρων, οἷς καθαίρουσιν ὅταν εἰσίεναι μέλλοσιν, συλλέγοντας ἐκάστοτε συνδεπνεύων ἀλλήλους, καὶ μᾶλλον ἄμυναι καὶ ἐπιορκεῖν ἢ ὁτιοῦν. οὐ δὴ Κόνων ὁ τοιοῦτος τὰς ὅρκες (ὅρκες κ.Β.) τὰς ἐκ τῶν χορῶν (χορῶν τ.Α) αἰς ὁμίλου.

Diogenes asks Pollux to invite from the upper world Menippus the Cynic, who is sure to bring his wallet well stocked with broken victuals, λέγε αὐτῷ..., ἐμπλήσαμεν τὴν πύραν ἤκειν θέρμων τε πολλῶν καὶ εἰς τοὺς εὑροῖ ἐν τῇ τριήμερῃ ἐκάτης δεῖπνον κειμένον ἀν ἐκ καθαρᾶν ἢ τι τοιοῦτον.


After the word ἑκάτης some of the MSS (including Σ) have κατακαλέω, 'to burn up,' which is not likely to be the right reading; others (e.g. Augustinus primus) have κατεσθεῖν, which makes good sense and is commonly accepted (e.g. by Dindorf). Of Reiske's conjectures (κατ' ἄγνωσ κατατίνω) neither can be considered probable. Baiter leaves out the verb, thus making συλλέγοντας govern ἑκάτης as well as ὅρκες. Westermann suggests κλέπτειν but follows Baiter. κατακαλέω may perhaps be accounted for by supposing that ἑκάτης or κατακαλέω was erroneously written twice by an early copyist; a subsequent copyist might alter this into the nearest verb he could think of, κατακαλέω; this would be seen to be wrong by a still later writer, who would substitute the intelligible word κατεσθεῖν.

τοὺς ὅρκες τοὺς ἐκ τῶν χοίρων.] The MSS have τὰς ὅρκες (ὁ χορός) τὰς ἐκ τῶν χορῶν (ὁ χορός) αἰς. But birds are out of place in an expiatory sacrifice prior to a public assembly, and the use of young pigs for this purpose is distinctly attested by ancient authorities; we must therefore accept the certain emendation given in the text, and originally proposed by Hemsterhuis (in his note on Lucian above referred to).

Harpocr. (and Photius) καθάρως Αἰακίμης κατά Τιμάρχου (§ 23, speaking of the ἐκκλησία, ἐπειδὰν τὸ καθάρος περιενέχετο), ἄθεος ἡ Ἀθήναι καθάρισεν τὴν ἐκκλησίαν καὶ τὰ θεάτρα καὶ δῆλος τὰ τὸν θημέ τοῦ συνδόσε μικρὸι πάντων χοριδίων ἀπερ ὁμοίων καθάρισα· τούτῳ δ' ἔπαινοι οἱ λεγόμενοι περισταρχοὶ, ὀπερ ὁμοίωθεν οὐχὶς ἤτοι ἀπὸ τοῦ περιστείχειν ἢ ἀπὸ τὸ ὑστὰς. (Ἀρ. Eccl. 128, ὁ περισταρχεὺς περισταρχεύσῃ ἤρη τὴν—γαλήν.)

καθαίρων. Ἀ πληθὺς ἡσυχαίᾳ, μετὰ τοῦ συμβολοῦ, οἱ καθαίρων.

ἑισενών] sc. εἰς τὴν ἐκκλησίαν, etc. Hence εἰσέχω, εἰσέπεσο, etc. log. § 210 with Shilleto's note.

ἡ ὁπιοῦ.] 'They think less of swearing and perjuring themselves than anything else whatsoever,' 'than anything else in
the world.' Or. 56 § 15 oüde γε μάλλον ἢ ὄνομ. 
40. oú δή...oüde πολλοῦ δεὶ.] Here, as usual in this phrase, oüde reiterates the preceding negation (oú δή) but does not negative πολλοῦ δεί although closely pronounced with it. (Cf. fals. leg. § 33 oú γαρ...τὰ πρόγματα εἰσίν φασι...oüde πολλοῦ δεί, with Shilteo's note.) We have an apparent exception to this rule in Or. 18 § 20 πάθηται γαρ oüde πολλοῦ δεί τῆς γεγονομένης ἡμῶν αἰσχύνης, where there is no preceding negative expressed. The exception may however be explained on the supposition that πάθηται is ironical and therefore implies a negative: oú γαρ πάθηται τῆς γεγονομένης ἡμῶν αἰσχύνης, oüde πολλοῦ δεί.

οῦ δή κ.ρ.λ.] A very elegant and idiomatic passage: 'Conon then, as a character such as I have described, is not to be trusted on oath; far from it, indeed. No! the man who would not take even an oath that he intends to observe by any object you do not recognise (i.e. such as Conon swears by) and would not for a moment think of doing so on the lives of his children, but would rather suffer anything than that,—and who, even when constrained, will take none but a customary oath,—I say, such a man is more to be trusted than one who swears by his sons and offers to undergo the fiery ordeal.' P.]

οῦ μητὸν—μελλήσας. The MSS have οῦ μητὸν εὔφροσυνος μηθὲν ἢ ὄψάσας, κατὰ δέ δὴ παῖδων, ὥν μὴ νοεῖτε, μηθ' ἢ μελλήσας. There are two objections to this, (i) the plaintiff describes himself as one who is 'reluctant to swear even to the truth,' whereas in § 41 he publicly swears to having been assaulted by the defendant, (ii) an oath by the lives of one's children is described as 'contrary to usage' ὥν μὴ νοεῖτε, whereas this very oath is elsewhere attributed to the mother of Demosthenes. Or. 29 §§ 26, 33, 54, 66 η μητὴρ κατ' ἐμοῦ καὶ τῆς αἰτιϊς...παθεῖν ἥλθησεν ἐπιθείαι...ης μηθεῖτς ὄροις νομίζετο καθ' ἡμῶν ποτ' ἢ ὄροιν ταῦτα ἢ ἥθελεν, εἰ μὴ σαφῶς ἀπεὶ τὰ εὐφρόσυνα ἀμοιβή. Or. 19 § 292.

We may therefore accept Sauppe's conjecture οὐ μητὸν εὔφροσυνος μηθὲν ἢ ὄψάσας ὥν μὴ νοεῖτε, κατὰ δέ δὴ παῖδων, μηθ' ἢ μελλήσας.

If an easier alteration is preferred, we may retain the order as it stands in the MSS, simply inserting μηθ' εὔφροσυνος μηθὲν ἢ ὄψάσας, κατὰ δέ δὴ παῖδων, ὥν μὴ νοεῖτε μηθ' ἢ μελλήσας. Thus ὥν μὴ νοεῖτε depends on μηθ'
and does not refer to παιδών, the sense of the second clause being that Ariston would never dream of taking any such oath, by his children's lives, as would be contrary to general usage. Below, he describes himself as ὑπών ως νόμιμον. This conjecture (as well as Sampa's) has been anticipated by Dobrek.

μηδ' εὐροκόν.] Isocr. ad Dem. § 83 ἔνεκα δὲ χρημάτων μηδὲν δεῖ οἴση, μὴν δὲν εὐροκέιν μέλησιν.
καὶ ὅπων παιδῶν προτέρων.] 'Would submit to anything sooner than that,' i.e. rather than swear by an oath contrary to the country's use, or by the lives of his children.

The whole sentence is intended to be descriptive of the character of a man who has a solemn regard for the obligations of an oath; hence the use of μη. A person of such a character, says the plaintiff, is more trustworthy than one who is ready to take any oath you please. The characters contrasted are of course those of the plaintiff and defendant respectively, but this is only implied until we reach the next sentence ἐγὼ...ὅ δικαίτερον σοι πιστευέτες ἃν, when the contrast is brought home to the case at issue.
καὶ διὰ τοῦ πυρὸς.] It is doubtful whether we can explain this of any ordeal by fire like that referred to in Soph. Antig. 264, (ὦμεν δ' ἔτοιμοι καὶ μιδροὺς αἵρειν χρῆν, καὶ πῦρ διήρτειν καὶ θεὸν ὀρκωμοστὶ), and possibly implied in Ar. Lysistr. 133, ἀλλ' ἀλλ' ἔ τι βοήλει, καὶ με χρῆ, διὰ τοῦ πυρὸς ἐθέλω βαθὺς, which however may be only a strong metaphor expressive of readiness to endure any amount of torture. Sometimes διὰ πυρὸς is used of 'braving the extremest perils,' 'going through fire and water' as in Xen. Symp. iv. 16, ἐγὼ γ' ἐν μετά Κλεισίου καὶ διὰ πυρὸς ἱστον and Oec. xx. 7, ἀκολουθεῖτος καὶ διὰ πυρὸς καὶ διὰ πυρὸς καὶ διὰ πνεύμονον (L. and S., s. v. πῦρ).

In the present passage διὰ τοῦ πυρὸς possibly contains an allusion to some strange form of self-devotion, one of the διὰ δεινόν καὶ χαλκόν obscurely hinted at in § 28. G. H. Schaefer simply says 'vertam, vel dum ara ardet,' i.e. 'one who swears by his children even while the flame is burning on the altar,' and C. H. Kennedy renders the words 'and before the burning altar.'

This is hardly satisfactory, and it is not improbable that the text is corrupt and that we should read καὶ διὰ τοῦ πυρὸς λόγου, where the participle would easily have been lost by homoeoteleuton with ὑμῶνωτος.
πιστευέτες ἃν.] See on § 1 ad fin.

For the passive, formed just as if the active were directly transitive, and took the accusative, cf. § 5 παρομοιοῦσαν and § 2 παρανομηθαν. ηθέλοντα ὑμῶτας ταῦτα.] The
ΠΡΟΚΛΗΣΙΣ.

41 Ταῦτ’ ἐγώ καὶ τὸν ἡθέλησα ὁμόσα, καὶ νῦν ὄμνυς τοὺς θεοὺς καὶ τὰς θεῖς ἀπαντας καὶ ἄπασας· ὑμῶν ἐνεκα, ὁ ἄνδρες δικασταὶ, καὶ τῶν περιστηκῶν, ἡ μὴν παθῶν ὑπὸ Κόνωνος ταῦτα δὲν δικάζωμαι, καὶ λα- ἰκόνος πληγάς, καὶ τὸ χεῖλος διακοπεῖς οὕτως ὡσε καὶ ῥαφῆναι, καὶ ῥυμεθεῖς τὴν δίκην διώκεις. καὶ εἰ μὲν εὐροκω, πολλὰ μοι ἀγαθὰ γένοιτο καὶ μηδέποτ’ αὕτες τοιούτοι μηδὲν πάθοιμαι, εἰ δ’ ἐπτυροκω, ἐξώλης ἀτολομήν·

κατεπορκηθεῖσας Z cum librīs.

general drift of this oath must have been given by the πρόκλησις which was read to the jury; it is also indicated in the severations of § 41.

It is clear that this Challenge was refused by the defendant. The plaintiff would therefore be able to point to this refusal as a fact in his own favour just as the defendant would in the case of the πρόκλησις tendered by him and rejected by the plaintiff (§ 27).—In the next line καὶ emphasizes ὅτι οὐ.

κατεπορκηθεῖσας.] Dobre's emendation for κατεπορκηθεῖσας, the future middle, which if retained, must be taken as passive in sense, 'inasmuch as I am determined not to lose the case by your perjury.' [Or, 'as one who had no idea of having the case decided against him by perjury.' P.] For this use of κατα- of καταρικήθωμεν ('to lose by negligence') in Dem. Or. § 7, τὰ καταρικῆμενα πᾶλιν ἀναλήψειθθε, and κατεπορκηθεῖσας 'to subdue by charming' (Pl. Gorg. 488 ζ).

41. τῶν περιστηκῶν.] Aesch. Ctesiph. § 56 ἀποκρυφοί δὲν ἔπαθον τοῖς δικαστοῖς καὶ τῶν ἄλλων πολιτῶν δοὺς δὴ ἔμεθαν πρὸς ρεστάσας, and Dem. de Cor. § 196.

What applies above to private orations of great public importance, applies mutatis mutandis to the present speech, which was probably listened to by a considerable body of citizens besides the forty dikastai before whom this case was apparently tried (see Introduction).

καὶ εἰ μὲν εὐροκω—ἔσσωσαι.

Quoted by Aristeides (ii. 487 Rhet. Graec. Spengel) together with the famous adjurations of the speech de Corona (§§ 1 and 141) to exemplify ἀξιωσία brought about by ἀρετὴν and ἀθανασία. ἐξώλης fals. leg. § 172, ἐξώλης ἀτολομήν καὶ προσώπης el... and in § 70 (after quoting the solemn form of imprecation used before
the meetings of the boule and 

κατακλησία) the orator adds: εὐθεία 'εξώλη ποιεῖ αυτόν καὶ γένος 

Ariston is here taking an oath almost as strong as that which he finds fault with in Conon; 

but he would probably plead that he was only swearing 'in the customary manner' ως 

ημώνοι (§ 40).

διαρραγῇ 90. λέγων ὧν ἐπισκόπῳ 'not even if Conon burst with 

saying that I forswear myself'— 

or (as we should put it)—'say 

so till he bursts.' de Cor. § 21 

δὲ οὖν κοινώς, οὖς ἐν, οὖς' 

ἐν δὲ διαρραγῇ γευδόμενος.

§§ 42—43. This is no private 

interest of myself alone; Conon 

will appeal to the compassion of 

the jury, though the victim of 

such an outrage deserves their 

pity, rather than its perpetrators. 

I therefore claim from the jury 

the same feeling of resentment 

against Conon, as each one of 

them would have felt in his own 

case.

42. πάνθε—δικαια] perhaps = 

πάντα δικαια δια ζοτε (not πάντα 

δια δικαια δοτι). If so, we should 

read ζοτι for ζοτε. —πασιν προσ- 

δέησιτο π. 41 alluding to τὸν ὄργην 

κ.τ.λ.—παθῶν ὁ ἐπαθεν. 

τὴν ὄργην ἔχειν.] Or. 21 (Meid.) 

§ 70, εἰ τοίνυν τις ὑμῶν ἄλλως 

πως ἔχει τὴν ὄργην ἐπὶ Μειδίαν ἢ 

ὡς δὲν αὐτὸν τεθνάναι, οὖς ὃρδε 

ἔχει. P.]

δ—συμβαίνη] = διαλλαγ(τυχόν) 

συμβαίνη δὲ 'which might, per-

chance, happen to another.' 

For acc. abs. τυχόν (like παρα-

σκόπῳ, ἔξω, μετὸν, Kühner § 487,8) 

Isocr. Paneg. § 177 τυχόν ἄν 

τι συνετέραναν καὶ Dem. de Cor. 

§ 221 ἐπετείμησιν ὃ τοῦ ἣματοῦ, 

τυχόν μὲν ἀναιμηθῶν, διὸς ὁ 

ἐπετείμησιν. 

τὰ δικαια ἀποδόθων.] 'To 

grant him the claims which are 

his due;' ἀπο— as in ἀπαλαμ-

βάνειν 'to receive one's due,' 

'to accept full payment.' See 

note on Or. 53 § 10.

πρὸ.] Not 'previous to,' but 

'in the presence of,' 'at.' [Cf. 

however Or. 21 (Meid.) § 30 

νῦμος ἔθεσεν πρὸ τῶν ἄδικημάτων 

ἐν' ἄδηλοις τοῖς ἄδικημοις. P.]

μὴ ἔθους...φροντίζων.] Cf. 

§ 40 ὃς μὴ νομίζετε.
43 τὸ μὴ δοῦναι δίκην. ἄλλα δεῖσται Κώνων καὶ κλαῆσει σκοπεῖτε δὴ πότερος ἐστὶν ἐλεεινότερος, ο ἐπευνθῶς οία ἐγὼ πέπονθα ὑπὸ τοῦτον, εἰ προσυβρισθεῖς ἀπειμ αἱ δίκης μὴ τυχῶν, ἦ Κώνων, εἰ δώσει δίκην; πότερον δὲ ὡμῶν ἕκαστω συμφέρει ἔξειν τυπτευς καὶ ὑβριζειν ἢ μη; ἐγὼ μὲν οἶμαι μὴ ὀφθαλμοῦ, ἀν μὲν ἀφίητε, ἐσονταν πολλοὶ, ἐὰν δὲ κολάζητε ἐλώτους.

44 Πόλλ' ἂν εἴπειν ἔχοιμι, ὃ ἀνδρες δικασταί, καὶ ὃς ἦμεις χρησίμωι, καὶ αὐτοὶ καὶ ὁ πατὴρ, ἐως ἐξή, καὶ τριπαρχοῦντες καὶ στρατευόμενοι καὶ τὸ προστάτωμενον ποιοῦντες, καὶ ὃς οὐδὲν οὐθ' οὔτος οὔτε τῶν τούτων οὐδεὶς ἄλλ' οὔτε τὸ ὕδωρ ἰκανὸν οὔτε Πώλων περὶ τούτων ὁ λόγος ἑστίν. ἐι γὰρ δὴ ὁμολογομένως ἐτὶ τούτων καὶ ἀχρηστοτέρος καὶ ποιηροτέροις

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h κλαίσει Z.  i οἶμαι Z.  k Běkk.  om. Z cum FΣΦ.

43. δεῖσται...καὶ κλαῆσει.] Or. 30 § 32 ἀναβάς ἔτι τὸ δικαστήριον ἐδείκα, λεκτέων ὑπὸ αὐτοῦ καὶ ἀντιβολῶν καὶ δικρουν κλαιῶν. Cf. Or. 53 § 29.—προσυβρισθεῖς is further explained by δίκης μὴ τυχῶν. See note on § 15, ὑβριζεψαι.

44. χρῆσιμοι.] χρῆσιμος is almost invariably used with etsi, πρός etsi, ἐτi τι or the simple dat., but is here placed absolutely. τριπαρχοῦντες.] See Or. 36 § 41.

44. ὡς οὐδὲν] = ὃς καὶ οὐδὲν γένοντεν χρῆσιμος (understood from χρῆσιμος above).—On τὸ ὕδωρ, see § 36.

τούτων...ἀχρηστοτέροις.] More unserviceable, more useless, to the state than our opponents. For the dat. συνεβαίνειν ἦς εἶναι ἀχρηστοτέροις cf. § 16 αὐτολόγικας συγκωποῦμεν εἶναι τοῖς ἴδιοις. ἀχρηστος is here contrasted with χρῆσιμος and, as often in the Orators, is used in the same sense as ἀχρεῖος in earlier Greek writers.
Exкурсус (A).

On the defective verb τύπτω (§§ 4, 25, 32, 35, &c.).

The verb τύπτω forms a familiar paradigm in almost all the elementary Greek Grammars in ordinary use, where, as every schoolboy knows, it is conjugated at full length with its three perfect tenses, its five futures, and its six aorists; and it must be admitted that for the purposes of a paradigm the verb in question is in several respects admirably adapted. Had the selection fallen on a verb ending in -ω with a vowel for the last letter of its stem, e.g. λύ-ω, or τιμά-ω, our model verb would have had one aorist only in each voice, ἔλυσα, ἔλυσάμην, ἔλυσαν; ἔτιμσα, ἐτιμήσαμην, ἐτιμήθησαν; had a verbum purum ending in -μι been taken, e.g. φη-μι, δίδω-μι, ἴστη-μι, the beginner would have had to face a very complex conjugation at the very outset of his task. τύπτω is unencumbered with the special irregularities of verbs ending in -μι, and has the advantage of two theoretically possible
aorists in each voice; indeed, as Veitch has pointed out, it is 'one of the very few verbs that have the second aorist active and passive in actual use,' (though the former is very rare, while in Attic prose neither is ever found). Again, as compared with some other verba impura, with a consonant for their characteristic letter, it has this advantage; that the stem-vowel remains unchanged throughout, and is thus identical in, for instance, the aorist and present participle alike (τυπ-εις and τυπ-ις-ων), whereas in λαίπω, φαίνω, τήκω as compared with ἕλαι-ον, ἕ-φαίν-ην, ἕ-τάκ-ην, the stem-vowels which appear in the aorist have suffered modification in the present; also the consonantal relations between the different tenses are simpler than in the case of some other verbs; thus, while β in ἕ-βλάβη-νεν becomes π in βλάπτ-εις-ω, no such alteration is necessary in passing from the τυπ- of the second aorist to the strengthened form τυπτ- of the present.

The verb is not without an interest of its own in the history of grammar; and though it may be rash to conjecture whether it owed its first selection to the grim humour of some plagosus Orbilius of old times, intent on bringing each tense's meaning home to his pupils' memories by the help of his ferule, it may be interesting to note that this particular paradigm is found in the early Greek Grammars which appeared in Italy at the revival of learning, as for instance in the Erotemata of Chrysoloras, a distinguished scholar, who (in the dedication of a copy in my possession, printed at Venice at the Aldine press in 1517) is described as Manuel Chrysoloras, qui primus Iuniorum reportans in Italiâ literas græcas*. The paradigm may also be traced still further

* On Chrysoloras, see Mullinger's History of the University of Cambridge, pp. 391—396, where the Erotemata is called 'the
back to the Canons of Theodosius, an Alexandrine grammarian of the age of Constantine the Great, who expounds all the parts, regardless of usage, and at considerable length (viz. on pp. 1008—1044 of Theodosioun γραμματικοῦ εἰσαγωγικοῦ κανόνες περὶ κλάσεως βημάτων in Bekker's Anecdota Graeca, vol. iii.) The Grammar of Theodosius is in its turn founded on that of a more celebrated Greek scholar, Dionysius the Thracian, who taught at Rome in B.C. 80. The τέχνη γραμματική of the latter is a short work, occupying only pp. 629—643 in Bekker's Anecdota Graeca, vol. ii.; it was a standard text-book for many centuries and is the original basis of all subsequent grammars. I quote a few words from chap. xv, which bear on our present subject: διαθέσεις δὲ εἰσὶ τρεῖς, ἐνέργεια, πάθος, μεσότης: ἐνέργεια μὲν οἶνον τύπτω, πάθος δὲ οἶνον τύπτομαι, μεσότης δὲ ἡ ποτὲ μὲν ἐνέργειαν, ποτὲ δὲ πάθος παρετῶσα, οἶνον πέποιθα, διέφθερα, ἐποιησάμην, ἐγραψάμην.* Shortly after, he proceeds: ἀριθμοὶ δὲ τρεῖς, ἁνικός, δυῖκος καὶ πληθυντικὸς: ἁνικὸς μὲν οἶνον τύπτω, δυῖκος δὲ οἶνον τύπτετον, πληθυντικὸς δὲ οἶνον τύπτομεν: πρόσωπα δὲ τρία, πρῶτον, δεύτερον, τρίτον: πρῶτον μὲν οἶνον τύπτω, δεύτερον οἶνον τύπτεις, τρίτον οἶνον τύπτει.

But however well this verb may be adapted as a typical form for the beginner, and however interesting it may be as a tradition of the earlier grammarians, it can-

Greek Grammar of the first century of the Renaissance.' 'It served Beuchlin for a model at Orleans, was used by Linacre at Oxford and Erasmus at Cambridge, and long continued to hold its ground against formidable rivals,' p. 395. The date of his arrival in Italy was 1896. The Aldine edition above referred to is of course a reprint.

* It is quoted ἔτυφάμην in Graefenhan, Geschichte der Classischen Philologie, π. p. 481, q. v.; but Dionysius appears in the rest of the chapter to confine himself to tenses in actual use and is therefore likely to have avoided ἔτυφάμην.

P. S. D. 11.
not be too clearly understood that very few of the tenses are really used by the best Greek authors. The tenses given in the paradigm are all formed regularly on the principles of analogy alone, regardless of the opposite principles of anomaly which prevail in the usage of the Greek writers themselves. In Attic Prose none of the tenses given in the grammars are found except the present and imperfect, active and passive, τόπτω and ἔπαταξα and ἔπαπτομαι and ἔπαπτώμην. The future active is not τόπω but τυπτήσω, and the aorists in use are borrowed from other verbs, and are really ἔπαταξα and ἐπλήγγιν. ἔπαταξα is never found in Attic Prose, and the reference to Lysias, fragment 10, 2, given in Veitch’s Greek Verbs, and repeated, apparently without verification, in Liddell and Scott’s Lexicon, supplies us with no real exception. The passage, when examined, proves to be part of an exposition by the late rhetorician Theon (Progymnasmata 2 p. 165) of a possibly genuine speech of Lysias. The words are ἐγκισμόνι τις ἐπίστη κατὰ γαστρὸς καὶ κρίνεται φόνον, where Lysias himself would undoubtedly have written ἔπαταξα, as is proved by a passage in Or. 13 § 71, ὁ Θερασίβουλος τοῦ Φρύνχου καὶ καταβάλλει πατάξας. The following passages will further illustrate the prose usage of this defective verb, Lysias, Or. 4 § 15, πότερον ἐπλήγγιν ἢ ἔπαταξα; id. Or. 1 §§ 25—27, where πάταξας καταβάλλω is followed by the corresponding passive forms πληγεὶς κατέπεσεν, Dem. Or. 4 § 40, ὁ πληγεὶς κἀν ἐτέρωσε πατάξας, Thuc. viii. 92, ὁ Φρύνχος πληγεὶς followed by ὁ πατάξας διέφυγεν. Again in Plato’s Laws, p. 879 d—e, we have τύπτομαι and τύπτειν followed by πατάξας, and soon after, τύπτει τῇ μάστιγι followed by δειας δὲ αὐτός πατάξα: so in p. 880 b, ἐὰν τις τύπτῃ τὸν πρεσβύτερον...τῇ τοῦ πληγέντος γῆς, and in p. 882 the last two forms occur twice over. Cf. Aristot. Eth. v. 4. 4, ὅταν ὁ μὲν πληγὴ ὁ δὲ πατάξα,
ON THE DEFECTIVE VERB τυπτει. 211

ομοια καὶ ei ἰσχυρὸς ἀσθενὴς πατάξαι ἢ πληγῆαι προκαλέ-
σαι, Eth. v. 5. 4, ei ἄρχην ἔχων ἐπέταξεν, οὐ δεὶ ἀντι-
πληγῆαι, καὶ ei ἄρχοντα ἐπέταξεν, οὐ πληγῆαι μόνον δεὶ
άλλα καὶ κολασθῆαι. Rhet. i. 15, 29, πατάξαι ἢ πληγῆαι,
de anima B, 8, p. 419 σ 15, τὸ τύπτον καὶ τὸ τυπτόμενον...
ἀν πληγῇ, p. 420 a 24, οὐ δὴ πάν ψοφεὶ τυπτόμενον καὶ
tύπτον, οἷον ἐὰν πατάξῃ βελόνη βελόνη, p. 423 σ 16,
πληγεῖσα ἐπέταξεν, Soph. Elench. p. 168 σ 6 ἂν τις τύπτῃ
tύπτον καὶ τύπτον, ἄνθρωπον ἅλλον οὐκ ἄνθρωπος τυπτήν,
and Meteorologica, p. 368 σ 18, τύπτων...τύπτον...τύπτειν,
p. 371 σ 10, ἢ μέλλει πατάξειν, κινεῖται πρὶν πληγῆαι, while
three lines below we find δ ἐὰν πατάξῃ.—Among other
parts similarly borrowed we have τέπληγα, τέπληγμα,
πεπλήξομαι and πληγήσομαι.—So in Latin, ferio, percussi,
etc.

But one of the best studies on this point of usage is the
Speech of Demosthenes κατὰ Κόνωνος, where we find the
following forms; in § 81 τύπτειν, in § 17 τύπτον, in § 4
ἐπυττον, in §§ 32 and 35 τυπτόμενον, with the verbal τυ-
πτησεις in § 44. Again in § 31 we have πατάξαι (not τύψαι
or πλήξαι), and in § 33 ἐπλήγην (not ἐπατάξθην, or ἐπήν,
much less ἐπόθην). Further in § 25 πατάξαντι stands side
by side with τύπτει; and lastly we have the phrases πληγᾶς
ἐνέταν (§ 5) and ἐπιθέοι καὶ δεδωκέναι πληγᾶς (§ 14),
which assist in making up for the defective tenses. It is
reserved for the late writer who composed the Argument
to use the unclassical form τεπτήσθαι.

For the usage of this verb in Attic Verse, see Veitch's
excellent book on Greek Verbs, where it will be noticed
that almost the only part used besides those found in
Prose is τυπτεις; the student should also read the interesting
criticisms of Cobet in pp. 330—343 of his Variae
lectiones.

14—2
ON THE QUANTITY OF ἄμύνος.

EXCURSUS (B).

On the quantity of ἄμύνος (Or. 54 § 12).

In Soph. Phil. 1378, the phrase ἄμύνος βάσις is used with reference to the festering foot of Philoctetes, but the position of the words, at the end of an iambic line, leaves the quantity undetermined. This may however be ascertained (i) by the accent of the word from which it is derived, viz. πῶν, which according to the express statement of the grammarian Arcadius should never be written πῶν; (ii) by the fact that Empedocles makes the first syllable of πῶν short. We may further notice that the adjective and its derivatives occur (as might be expected) not unfrequently in Hippocrates and the medical writers; and that one of these, Galen (lib. xiii. p. 876), quotes in full an Elegiac poem in which Andromachus the elder, in describing the virtues of his potent antidote, or θηριακή δι' ἐχίνων, has the following couplet, which determines the quantity of the word:

καὶ μογερῶν στέρνων ἀπολύσεται ἤμυνον ἄλων
πνεμένη πολλῶς μέχρις ἐτ' ἱελῶν.

Hence we conclude that the lexicons of Liddell and Scott, and of Dr Pape (in their latest editions), are unwarranted in marking the penultimate as long;—an oversight which does not occur in the fourth edition of the former lexicon, and is doubtless due to a confusion between the quantities of τὸ πῶν, the Latin pus, and ὁ πῦς, the Lat. coostra (or beestings).

EXCURSUS (C).

On the meaning of αὐτολήκαθος (Or. 54 § 14).

The exact meaning of this word is difficult to determine, and the Grammarians content themselves with giving us a wide choice of conflicting explanations. Harpocrate, for instance, has the following article.
(C). ON THE MEANING OF αὐτολύκυθος. 213

Αὐτολύκυθοι: Δημοσθένης κατὰ Κόνωνος, (1) ἦτοι ἀντὶ τοῦ εἰδώλου τοιαύτης καὶ ἐτοίμους πάν ὅπως ποιεῖν καὶ ὑπομένειν, (2) ἢ ἀντὶ τοῦ πένητας καὶ μηδὲν ἄλλο κεκτημένου ἢ ληκάθους, (3) ἢ αὐτουργοῦ, (4) ἢ ἀντὶ τοῦ εἰς πληγᾶς ἐτοίμου καὶ οἰον τύπτοντας καὶ μαστιγοῦντας καὶ ὑβρίζοντας, (5) ἢ λέγοι ἃν τοὺς ἐκ προχείρου διδόντας ἀφγόριον....

He further states that Menander used the word in two of his comedies, and attempts to support the last of the above interpretations by shewing from Diphilus, that money was occasionally carried about in the λήκυθος: and the last but one by appealing to Menander for the fact that the thong or strap (ὑμάς) by which the λήκυθος was suspended about the person might be detached from the flask and used as a whip. None of these five explanations is convincing and the last two are almost certainly wrong. An indication of the true meaning may however be gathered from the second. Any respectable Athenian in going to the public baths would be naturally attended by his slave carrying the master's λήκυθος or oil-flask, &c. Compare, for the Roman custom, Varro R. R. i. 55. 4 (Olea) dominum in balnea sequitur. The fraternity of young men alluded to in the text, may have gone on the principle of discarding the attendance of their slaves and carrying their own λήκυθοι, either to be free from the slight restraint which the company of their servants might put upon their practical jokes and wild escapades, or by way of assuming a lower grade of respectability than their birth would warrant, and availing themselves of that disguise either as a mere freak of youthful pleasantry or as a cloak for acts of outrage and disorder. If this view is tenable, the general sense of the title may be kept up by some such rendering as 'gentleman beggars,' 'amateur tramps.'

This explanation is in part confirmed by one of the guesses recorded in Bekker's Anecdota Graeca 465, 17
where αὐτολήκυθος is explained ὁ πένθος ἀπὸ τοῦ ἐαυτῷ τὰς λήκυθος εἰς τὰ βαλανεία εἰσφέρειν. Again, Hesychius has αὐτολήκυθος: ὁ πένθης, ὁ μόνην λήκυθον ἔχοντες ἢ δὲ ἐαυτῶν βαστάζοντες τὴν λήκυθον, οὐ δὲ οἰκεῖων. Pollux, x. 62, refers to the passage in Demosthenes, and quotes a parallel from the comic poet Antiphanes, Meineke Com. Graec. fragm. iii. 7 καὶ αὐτολήκυθος δὲ τινας Δημοσθένης ἐν τῷ κατὰ Κόνωνος ὀνομάζει οὕς σαφέστερον ἄν τις ἐν τῷ Ἀντιφάνους Ἀθαμαντί κεκλησθαι λέγοι: ἡλικία καὶ λόγχην ἔχουν ἀξιοκόλλουσος ἤφος αὐτολήκυθος.

As another nickname attaching to one of these Clubs we have Τριβάλλοι in § 39; and in Athenaeus a coterie of Athenian wits is mentioned in the time of Philip of Macedon and therefore nearly coincident in date with the Clubs in the text; these wits or γελωτοτοί went by the name of ‘the sixty,’ (Athen. xiv. 614). Cf. also Lydias, fragm. 53, κατ’ Κυνικόν: οὐ μετὰ τούτων πολέ Ἀπολλοφάνης καὶ Μυσταλίδης καὶ Λυσίθοις συνεισφέρων, μεν ἡμέραν ταξιμενοι τῶν ἀποφράξων, ἀντὶ νομιμαιστῶν οικοδαιμονιστῶ σφίσον αυτὸς τούνομα βέμενοι;

EXCURSUS (D).

On the Τριβάλλοι of Or. 54 § 39.

The Triballi were a wild Thracian people occupying the region north of the range of Haemus and south of the Danube, now known as Servia. Their character is often described in unfavourable terms: thus Isocrates (de pace § 50) speaks of their δυσγένεια as opposed to the εὐγένεια of Athens, and (Panath. § 227) denounces them as leagued against all their neighbours: ἀπαντές φασίν ὁμονοεῖν μὲν (τοὺς Τριβάλλοις) ὡς οἰδένας ἄλλους ἄνθρωπους, ἀπολλύοντες δὲ οὐ μόνον τοὺς ὁμόρους καὶ τοὺς πλησίον οἰκούντας ἀμέλεια καὶ τοὺς ἄλλους σὺν ἄν ἐφικεῖσθαι δυνηθῶσιν. Lastly the
ON THE Τριβαλλοί OF OR. 54 § 39. 216

comic poet Alexis (who flourished in B.C. 356, a date but slightly anterior to the present speech) attacking, apparently, some rude and uncivilised custom, describes it as too barbarous even for the Triballi, οὖν ἐν Τριβαλλοῖς ταύτα γ' ἔστιν ἔννομα | σὺ φασί τὸν θύωντα τοῖς κεκλημένοις | δεῖξαι ιδέαν τὸ δείπνον, εἰς τὴν αὔριον | πωλεῖν ἀδείπνους ἀπερ ἐθνε' αὑτοῖς ιδεῖν (ap. Athen. xv. p. 671). Cf. Ar. Aves 1530.

According to the speaker, Conon and his two companions were, as mere striplings (μειράκια), known by a name borrowed from these lawless Triballi. Now if the speech was (as is very probable) delivered in B.C. 341 (see note on § 3 ἤρως τρίτον) when Conon was rather more than 50 years of age (§ 22), he would be a μειράκιον, or about 15 years of age, 35 years previous, viz. B.C. 376. By a coincidence which has apparently remained unnoticed, this brings us to the very year in which the wild Triballi crossed the Haemus with a strong force, ravaged the southern coast of Thrace near Abdera and were forced to retreat by the Athenian commander Chabrias (Diodor. xv. 36). The name of the barbarous tribe would therefore be on the lips of all Athens during the youth of Conon and his friends, and would readily find currency as a slang term of the day.

We may compare with the Τριβαλλοί, the disorderly Clubs to which Conon’s son belonged, the θύφαλλοι and αὐτολήκηθοι of § 14; and we may suggest in passing that the special form of the appellation, apart from its general applicability, probably turned on a play of words (e.g. τριβεν τοῖς ἄλλους or others more or less obvious). Cf. Photius s.v. (quoting this passage) οἱ ἐν τοῖς βαλανείοις ἀναγώγοις διατριβύμενοι...οἱ δὲ τοὺς εἶκαίους καὶ τοὺς βίους κατατριβώντας. Hesychius (inter alia) οἱ τὰ δείπνα ἑαυτοῖς καλοῦντες. The Scholia on Aeschines i. § 52 (τούσδε
EXCURSUS (D).

todos γρίους ανδρας) couple together Тριβάλλοι (cf. Plin. N. H. vii. 2) and Κάγγαροι as infamous appellatives, and lastly the comic poet Eubulus (fl. B.C. 375) has the line Τριβάλλοπονόθρητα μειρακύλλια.

As an exact parallel to the Triballi in the text and the other clubs already mentioned, we have in English literature the 'nocturnal fraternity of the Mohock-club,—a name borrowed from a sort of cannibals in India' (i.e. North America). The practical jokes of that 'worthy society of brutes,' and 'well-disposed savages,' will be familiar to the readers of the Spectator (Nos. 324, 332 and 347; anno 1712). Cf. also Gay’sTrivia iii. 325—328:

Who has not heard the Scourer’s midnight fame?
Who has not trembled at the Mohock’s name?
Was there a watchman took his hourly rounds,
Safe from their blows, or new-invented wounds?

As German parallels we have the names Polacken, Tartaren, Husaren, and Kroaten (quoted by Reiske); similarly in French, Cosaques and Pandours (mentioned by M. Dareste).
ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ ΠΕΡΙ ΧΩΡΙΟΥ.

ΤΙΠΟΘΕΣΙΣ.

Καλλικλής, πρὸς δὲν ὁ λόγος, καὶ ὁ τὴν δίκην ὅπερ ἐκείνου φεύγων
γείτονες ἦσαν ἐν χωρίῳ, ὅδ' μέση διειργόμενοι. δυσομβρίας ἔδει συμβάσεις, εἰς τὸ Καλλικλέους χαρίλον ὕδωρ ἐμπεσὼν ἐκ τῆς ὅδου κατέλυσεν· ἀκομή ἐπὶ τοῦ χαρίλου ὅτι ἦν ἡ ποιηθεῖσα, ἵνα ἀποκοδομήσαται νῦν αἰτιᾶν ἐαυτοῦ βλάβης γενέσθαι. ὁ δὲ τοῦ Τισίλου πάλι πρῶτον μὲν παλαιὸν καὶ οὐ δὲ ἐν αὐτῷ τὸ ἔργον ἐκκυνοῦ· ἥν τούτος ἦγατεν ἐκακοῦ καὶ τοῦ Καλλικλέους πατρὸς ἀποκοδομηθήναι τὴν χαράδραν ἀπὸ τοῦ Τισίλου· ἐπετῆ συνιστηθῆναι ὅσ' οὐδὲ χαράδρα τις τὸ χωρίον ἔστι. διασύρει ἐκακοῦ καὶ τὴν

a διοκομόμενο Z coniect Sauppius. διοκωμικά libri. φεύγων Bekker cum H. Wolffio.
b ἐνομβρίας Z et Bekker stereo. Leipsig ed. 1855. (habet Z in marginine non modo enoμβρίαs quod nusquam alias legitur, sed etiam enoμβρίαs quod occurrit infra § 11, γενομένης ἐνομβρίαs). ἐνομβρίας ὅν ἐνομβρίας Kerrich ms. ὅν Μ. ἐνομβρίας Bekk. (Berlin ed.).

c σιτίου (sic) Kerrich ms.
d ἀποκοδομήσαται νῦν αἰτιῶν Bekk. (Berlin ed.) ἀποκοδομήσαται νῦν αἰτιῶν Bekk. (st. Leipsig ed.)

e σοῦ χαράδρα τις ἄλλα χωρίων ἔστι Z in marginine (cf. § 12 ἀποδείξω χωρίον ἐν τούτῳ ἀλλ' ὁ χαράδραν).

Argument line 12. συνιστήσων] proof of,' e.g. Polyb. iii. 108, 4, seems to mean 'he joins issue.' ἐνομβρίαστάντων ὅτι... We may therefore perhaps render it 'he attempts to prove,' Perhaps ἐνιστήσων, 'he objects,' P. The word is used in late Greek in the sense 'to give line 13. διασφαίρει makes light
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 1—3.

συμβάσαν τῷ Καλλικλεί τῇ θάβην ὡς μικράν καὶ
15 οὐκ ἀξίων τηλικαύτης δίκης, καὶ τὸ ὅλον ἰδικήσθαι
μὲν οὐδὲν φησὶ τῶν Καλλικλέα, ἐπιθυμεῖ δὲ τῶν
χωρίων τῶν ἐαυτοῦ καὶ διὰ τούτο συνοφαντίας μηχα-
νᾶσθαι πάσας.

1 Ὅκε ᾧ ἄρ, ὡ ἄνδρες Ἀθηναίοι, χαλεπότερον οὖ—1272
dein ή γείτονος πανυπο καὶ πλεονέκτων τυχείν, ὑπερ
ἐμοὶ νυν ἐσμείβηκεν. ἐπιθυμήσας γὰρ τῶν χωρίων
μου Καλλικλῆς ὀυτῶ διατέθεικε περὶ συνοφαντῶν ὡστὲ
πρῶτον μὲν τὸν ἀνεφιδὼν τὸν ἐαυτοῦ κατασκεύασεν
2 ἀμφισβητείν μου τῶν χωρίων, ἐξελεγχθεὶς δὲ φανερῶς
καὶ περιγνομένου μου τῆς τούτων σκευορίας πάλιν
dύναι δίκας ἐρήμους μου καταδιηγήσατο, τῇ μὲν ἀυτὸς
ἀυτῷ Καλλικλῆς (male) Kertich ms.

of the damage done. See §§ 23
26. Dem. Or. 13 § 12 διένυσε
('depreciated') τὰ παρώντα καὶ
τοῦ προγόνου ἐπίγνεσις.

§§ 1, 2. There is really no
greater nuisance, gentlemen,
than a greedy neighbour, as I
have found to my cost in the
case of the plaintiff Calliicles.
He has set his heart upon my
property, and has therefore by
every legal means, direct or in-
direct, made me the victim of a
vexatious persecution.

Though I am no speaker my-
self, yet, if the court will give
me their attention, the facts
themselves will prove the base-
lessness of the present action.

1. οὐκ ἄρ'—τυχείν.] For
οὐκ ἄρα, 'there is not really
after all,' cf. Soph. O. C. 1697,
pὸδος καὶ κακῶν ἄρ' ἐς τις, and for
this use of ἄρα, especially with
ἄρα, to express a fact which is
and always has been seen, see
the examples given in Liddell
and Scott, s. v. elai, F.
For the general sense, cf.
Hesiod's Works and Days 845,
τῆρα κακὸς γείτων.

συνοφαντῶν.] 'by his vexa-
tions litigation, his petty perse-
cution.' The word is always
difficult to render, and we have
generally to be guided by the
context for the exact equivalent
in English.

κατασκεύασεν.] 'saborned his
cousin to claim it from me.'
The verb, here followed by the
infinitive, most commonly takes
an accusative, e.g. § 84 τῶν
ἀνεφιδών κατασκεύασεν, Or. 64 §
14.

2. σκευορίας.] 'intrigue, job-
bery.' Or. 86 § 33 πλῶμαι καὶ
σκευώρημα.

δίκας ἐρήμους—καταδιηγήσατο.]
'got two awards (in arbitration)
decided against me by default
(for non-appearance). Or. 21
(Mei.) §§ 84, 85, (Συράτων ὁ
dιατηρητής) ὡς οὔτ' ἐγὼ συνεχώρουμ
οὔτ' οὕτως (Meidias) ἀνήρτητα,
τῆς δ' ἄρας ἐνεγρένα δῷ, κατε-
διηγήσεν. Χῶν δ' ἐσκέφασα οὐ-
σει καὶ σκότους ἐρχεται Meiias
χιλιων δραχμων, την δε τον αδελφου τουτου πελασις Καλλικρατην. δεομαι δε παντων υμων άκοισαι μου και προσεχει τον νουν, ουχ ος αυτος δυνησομενοι ειπειν, αλλα ιν' υμεις εξ αυτων των πραγματων καταμαθητευτειν πανεραπον αυτου.

3 "Εν μεν ουν, δε άνδρες Αθηναϊοι, προς άπαντας τουτο τουτου λόγους παρέχομαι δικαιον. το γαρ χωρίον ταυτο περικοδομησεν ο πατήρ μικρον δειν πριν εμε γενεσθαι, ζωντας μεν ειτε Καλλιππίδου των τοιτων

a Bekker (Berlin ed.). b Bekk.

...και καταλαμβανει των Στράτων απαιτητη την έρημον δεδοκισα. το μεν ουν πρώτον οντι τον τεθειν αιτιν, έν καταδειγματης, ταυτην αποδειγμην άποφεισιν.

έρημοι in Attic has usually two terminations only: hence έρημος δικαίως, which was perhaps preferred to έρημος δικαίως on grounds of euphony. In § 6 however we find έρημος καταδειγμησας, possibly to avoid the ambiguity arising from the ellipse of δικαίως, and in § 81 we have έρημος μον καταδειγμητης, τοιαυτην έπεραν δικαιως.

την μεν χιλιων.] The same suit is described in § 81 (quoted in last note) as similar to the suit in which this speech is spoken. The damages in the latter are also fixed at 1000 drachmae, § 26.

καταδικησαιθαι] so καταδικησωμεναι.

3. δικαιων.] 'a fair and legal plea.' Or. 54 §§ 27, 29, 42.

3. γαρ.] See note on Or. 53 § 4.

—ο ταυτη, so Tisias § 5.—μικρον δειν πριν, 'almost before,' (i.e. 'a very short time after') I was born; not 'within a little before,' 'just before.'

καλλιππίδου των τοιτων ταυτης.] The two sons Καλλικρατης and Καλλικράτης bear names similar to their father's, Καλλιτείς, all three being compounds of
πατρὸς καὶ γευτιώντος, δὲ ἀκριβέστερον ἦδει δήπο ἥτον τοῦτων, ὅτι τὸ Ἐλληνικὸς ἄνδρος ἦδη καὶ ἐπιδη-
4 μοῦντος Ἀθῆναις ἐν δὲ τούτοις τοῦς ἔτεσιν ἀπασιν ὦτ' ἐγκαλῶν οὐδὲς πῶτον ἠθεὶν οὔτε μεμφόμενος
(καί τοῖς δήλοι δει καὶ τὸν ὅδηγα πολλάκις ἐγένετο”), ὦτ' ἐκώλυσεν ὡς ἀρχής, εἴπερ ἤδεικε τινὰ περιοικῳ-
1273 μὸν ὡ τὸ πατὴρ τὸ ἡμέτερων χωρίον, ἀλλ' οὐδ' ἀπηγόρευ-
σεν οὐδὲ διεμαρτύρατο, πλέον μὲν ἡ πεντεκαίδεκ' ἐτη
τοῦ πατρὸς ἐπιβιοῦστος, οὐκ ἐλάττω δὲ τοῦ τούτων

Z et Bekk. (st. Leipsig ed.). ἐγένετο Bekk. (Berlin ed.).

καλλικλέα. 'Thus we have Nau-
σίφος Ναυσίκαυ, καὶ Καλ-
λικρίτου Καλλικρίτου. So al-
so brothers' names sometimes
varied but slightly, as Diodotus
and Diogeiton' (Becker's Chari-
ticles p. 220 Eng. ed.).

ἀνδρὸς ἦδη.] Having attained
to man's estate and being resi-
dent at Athens, Callicles might
have brought an action long
ago, if he felt himself aggrieved.
P.]

4. καί τοὺς — ὅδηγα πολλάκις
ἐγένετο.] 'and yet of course it
often rained then, just as it
does now,'—a touch of quiet
humour characteristic of this
speech. (ὑδρος γεγένηθαι literally
refers to rain, though floods are
implied as a necessary conse-
quence. Ar. Vesp. 265, δέται
.....ὑδρο γεγένηθαι κατίππους
βόρεως αὐτοῖς.)

εἴπερ ἤδεικε] (As he would
have done) if my father was
wronging any one... (But he did
not prevent him; and not only
so,) but &c. P.]

ἀπηγόρευσε.] 'forbade.' In
Classical Greek, ἀπηγορεῦω and
its compounds are seldom found
except in the present and im-
perfect tenses; the remaining
tenses and the verbal deriva-
tives being generally borrowed
from ἐρωτ., ἐπιτρ., ἐπιτρ., ἐρημαί,
ἐρρήθην, ἐρήμησαι, with ἰχθ.,
ῥητός, ῥητέον. Thus ἀναγορεύω
(to proclaim) has for its im-
perfect ἀναγόρευον, while the
correct forms for the other
parts are, ἀνερώ, ἀνερήκα, ἀνε-
των, ἀναρρήθην and ἀναρρήσις
&c., instead of ἀναγορεύω... ἀνα-
γόρευον&c. The strict rule,
however, as to this verb and
its compounds, has its except-
ions, in the case of ἀναγορεύω
and partially also in ἀναγορεύω.
Thus instead of the more usual
ἀνέτις, we here find ἀναγόρευον,
which also occurs in Dem. Or.
40 § 44 ἀναγόρευον αὐτῷ μὴ
διακαΐων Arist. Oecon. p. 24;
Plat. Theas. p. 200, ἀναγο-
ρεύσθη. In Ar. Pox 107 we have
καταγορεύσθη. (See Cobet's va-
rias lectiones p. 35-39 and novae
lectiones p. 778; also Veitch,
Greek Verbs p. 10, ed. 1871.)

διεμαρτύρατο.] 'formally pro-
tested.' Or. 53 § 20, διαμαρ-
τυράμενοι τοι ἀνδρώπου ἐπιτιω-
μαρτύρων.

ἐπιβιοῦστο.] Sense and usage
alike shew that this, though at
first sight an ambiguous form,
is certainly aorist, and not pre-
sent. Cf. § 32, ἑπιβίω, which
5 πατρός Καλλιμπίδου. καίτοι, ο Καλλικλείς, ἔμη δῆ-
που τὸ βούλαν, δρωσίν ἀποκοδομομένην τὴν χαρά-
δραν, ἐλθοῦσιν εὐθὺς ἄγανακτεῖν καὶ λέγειν πρὸς τὸν
πατέρα "Τισία, τῇ ταύτῃ ποιεῖς; ἀποκοδομεῖς τὴν χα-

also occurs in Thuc. π. 65, (of
Pericles) ἐξεβίω δύο ἐτη καὶ
μήνας εἶ καὶ ἐπεδίδυ ἀτέθανεν
κ.τ.λ. So also Or. 41 § 19 and
18, ἐξεβιῶντο μετὰ ταύτα πλείον
ἡ πέτρα ἡμέρας. The first
person ἐξεβίωσι is naturally rare, as the
sorit of this verb is mainly ap-
pliable to those who are no
longer living; but Thuc. ν. 26,
has, ἐξεβίωσα διὰ ταύτες (τοῦ πο-
λέμου). In Attic Greek ἐβίωσι,
like bιώσωμε, bβιώμεα and bβ-
bιωμένος is used to supplement
the defects of ἤπω, which is itself
hardly used except in the pre-
sent and imperfect active. ᾿Ηνω
is very rare. (See Cobet, variae
lect. p. 610).

5. ἔμην.] As usual, without
ἄν. See note on ἔρχην Or. 45
§ 17, followed, as here, by ἐν
with the indicative.

ὑμῖν.] "You and yours," i.e.
your father, your brother and
(when at home, and not at
Athens § 3) yourself. ὑμεῖς
never stands for σοῦ, and it has
been shown elsewhere that the
quotes quoted from Isocrates
to prove the contrary will not
bear examination (Isocr. ad
Dem. § 2). So also, in Eur.
Bacch. 262, ἀναστάς πάερ τὸ
γῆρας ὑμῶν εὐνοοῦν νῦν νύξ ἑκον.
the plural ὑμῶν refers to Cad-
mus and Teiresias, not to the
former only; and in Homer,
Odys. πρι. 81, we have ᾿ηπερ δὲν
ὑμεῖς νῦν παρὰ γαλαφρύν ἱδώτες,
φαῦλις. Ὡδύνεσθαι, where ὑμεῖς
refers to Odysseus and his com-
nades.

In Latin however the rule is
perhaps less strictly kept, and
vester appears to be used for
tuis in Catullus 71, 8, Aemulus
iste tuis qui vestrum exercet
amorem, probably the only in-
stance of this exceptional use
of plural for singular. The rule
is only apparently broken in
Virg. Aen. ix. 526, Vos, o Calli-
ope, precor, aspirate canenti.
Here vos refers to all the Muses,
though Calliope alone is men-
tioned. (Cf. Aen. i. 140, vest-
stras, Eure, domos.) So too
Cicero pro Deiot. § 29, vos vestra
secunda fortuna, Castor, non
potestis sine propinquorum ca-
lamitate esse contenti? (The
plural vos is at once explained
by felix ista domus in the pre-
vious sentence.)

τὴν χαράδραν.] The word is
not only used of the torrent
itself, but also of the channel
cut by the torrent's course (der.
χαράδας). Hesychius χαράδρα'
χειμαρρος ποταμός. κατάγει δὲ
οὕτως πατοῖν ἐν τῷ βραχίῳ καὶ
καταστείρει. χαράδρας τινι ἀλλη
ρέχεται τοῦ ἱδρίου. καὶ οἱ καλοὶ
τότοι ἀπὸ τῶν καταφρομένων
δμῆτρων ἱδρῶν. The rendering
'water-course' will suit all the
passages in which it occurs in
the present speech.

τῇ ταύτῃ ποιεῖς:] Not 'why
are you doing this?' but 'what
is this that you are doing?'
'Are you cutting off, stopping,
the water-course?'

ἀποκοδομεῖς.] ἀντὶ τοῦ ἀπο-
κοδόμετος ἀπολαβῶντοι (?) ἀπο-
κοδόμημα. Ἀκομφορθήνεν ἐν τῷ πρὸς
Καλλικλέα. The above expla-
nation from Harpocrasion, with the awkward τινα, does not entirely suit this passage, though he specially refers to this speech. But in Thuc. 1. 134, we read of Pausanias, ἄνωθεν ἑπεξετάσεις αὐτὸν καὶ ἀπολαβόντες εἰς ἐπικαλώσεσαν, and it seems likely that the lexicographer, or his transcribers, either had that passage itself in view, or carelessly incorporated into an explanation of Demoisthences the note of some previous expositor of Thucydides.

*See...* Goodwin's *Moods and Tenses* § 44, § 3, and Or. 36 § 47. As an exact parallel to the whole of this sentence, we have Or. 38 § 5, ἐξαρθτ. (like ἐξή, supra)...ἐκαλαίπτανται μάρτυρας ταῦτα παρασημάτασι κατείσαι τὰς διαθήκας. ἦν, εἰ τὰ ἐγγυνετο ἀμφιβοληθήσαμεν, ἦν τὰ γράμματα ταῦτα ἐπεκαλοῦσιν. — υπερ, the reading of the Zurich editors, as well as Dindorf, refers to the defendant's father Tisias and the family of Callicles the plaintiff. If (with G. H. Schaefer) we accept ὑδῶν which is found in the *codex Augustanus* primum and appa-

ently in other ms's, the sense is: 'in which case you and I would have been having no disputes with one another (as we now have'.

el...συνέβη τι τοιοῦτον.] i.e. el ἐνέπεσ τὸ ὕδωρ εἰς τὸ ἄρατον τὸ ἡμέτερον—μάρτυρα, referring to ἐματρύτατο ἐπὶ § 4.

εἰσερ] without ἄν, being dependent on ἐνα, like the preceding ἦν. *'intelligendum de Callicle, qui si tale quid olim factum esset, testibus non uii posset.' G. H. Schaefer.

6. ἐνεδίδοτα...χαράδρων αὐ

σαν.] § 12, ἔγον ἀποδείκνυον ὅν τουτ' ἀλλ' ὁ χαράδρων. *ἐνεδίδοτα οὖν, Reiskius emms, sed vel lege ἔγον, vel potius dele se.' Dobree.

τῶν—ἀπέφασεν.] Constr. ἦν μὴ λόγον μόνον ἀπέφασεν τῷ πατέρα δικοῦτα, ὅσπερ υἱόν (ἀποφαινείται), ἀλλ' ἐγγον (ἀπέ

φανει δικοῦτα). Λόγον καὶ ἐγγον (on which see Or. 46 § 9) are not to be taken with δι

κοῦτα.—In the next sentence οὐδεὶς means οὐδέσι υἱῶν.

ἐρήμην...κατεδημήσασθε.] See § 3.
περι Χωριοτ.

οὔτε πλέον ἄν ἂν ὑμῖν συκοφαντούσιν οὐδὲν, ἀλλ' εἰ ἡ ἰρέγκατε τότε μάρτυρα καὶ ἐπεμαρτύρασθε, νῦν ἀπέφαινεν ἂν ἐκεῖνος εἰδώς ἀκριβῶς ὡτός ἐγὼ ἐκαστα τούτων, καὶ τοὺς ῥαδίους τούτους τοιούτας ἐξήλεγχεν. ἄνθρωπον δ', οἶμαι, τηλικοῦτοι καὶ ἀπείρου τῶν πραγμάτων ἀπαντεῖς καταπεφρονήκατε μοι. ἀλλ' ἐγὼ πρὸς ἀπαντας τούτους, ὡς ἄνδρες Ἀθηναῖοι, τὰς αὐτῶς πράξεις ἱσχυροτάτης μαρτυρίας παρέχομαι. διὰ τῇ γὰρ οὕτως ὡτότι ἐπεμαρτύρατο οὕτ' ἐνεκάλεσεν, ἀλλ' οὕτοι ἐμεμψαμεν πώποτε, ἀλλ' ἔξηρεν ταύτ' αὐτῶς ἰδικημένους περιοραν;

6-8 Bekk. (Berlin).

el ἰρέγκατε—ἐπεμαρτύρασθε, νῦν.] If (with Dindorf and G. H. Schaefer) we retain these words, ἐκεῖνος will refer to ὁ μάρτυς; if (with the Zurich editors and the higher manuscript authority) we omit them, it can only refer to ὁ πατὴρ (Tissias, who was no longer alive). The latter makes quite as good sense as the former; if we lose the antithesis between ὁ μάρτυς and τοὺς ῥαδίους μαρτυροῦσας, we gain the contrast between the father who would certainly have held his own and the son whose youth and inexperience are held fair game by the plaintiff's party (τηλικοῦτοι—καταπεφρονήκατε).

7. ῥαδίους.] 'only too readily,' 'recklessly,' 'at random.' Plat. Apol. p. 24 c, ῥαδίου εἰς ἄγνωσιν καθιστᾶς ἄνθρωπον, Leg. 917 b, θεόν ἄφημα μὴ ἱράτων ῥαδίου, Meno 94 b, ῥαδίου κακώς λέγειν ἄνθρωπον.

τούτου.] The reading τοῦτος, accepted by the Zurich editors, is open to the objection that between καταπεφρονήκατε in the previous and καταπεφρονήκατε in the subsequent context, we expect, not the third person τούτος, but the second person ὑμῖν, just as above we have οὐδὲν πλέον ἄν ἂν ὑμῖν.

If we retain the doubtful words at the beginning of § 7, the argument in favour of τοῦτος is yet stronger, and τοῦτος is then still less defensible. ('melior vulgata lectio, τούτους, μάρτυρας scilicet,' Seager, Classical Journal, 1825, no. 61 p. 63).


ἐξήκει—περιορα.] 'they were content to submit to these
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 8—10.

8 Ἐγώ τοῖς ἰκανοῖς μὲν ἰγαθῷ καὶ ταύτῃ εἶναι 1274 πρὸς τὴν τούτων κατηγορίαν. Ἰνα δ' εἰδήτε, δ' ἄνδρες Ἄθηναιοι, καὶ περὶ τῶν ἄλλων, ὡς οὖθ' ὁ πατὴρ οὐδὲν ἕδικε περιοικοδομῶν τὸ χωρίου οὗτοι τε κατεστησμένοι πάντ' εἰσιν ἡμῶν, ἐτί σαφέστερον ὡμᾶς πειράσομας διδάσκει τὸ μὲν γὰρ χωρίου ὑμολογεῖται καὶ τῷ παρ' αὐτῶν τούτων ἡμέτερον ἰδιον εἶναι τούτων δ' ὑπάρχοντος, δ' ἄνδρες Ἄθηναιοι, μᾶλλον μὲν ἤδειτε ἃν ἰδόντες τὸ χωρίον ὑπὲρ συκοφαντοῦμαι. διὸ καὶ τοῖς

wrongs.' The dative ἡμετέρου subordinate to περιοικῶν follows the case of αὐτῶν, which again depends on εἶναι. Cf. Or. 54 §§ 16 and 44. Or. 3 § 23, εἰσαίσθησιν ὡμὲν ἐκεῖστι γίγνεσθαι. Madvig Gk. Synt. § 158 2) 3).—
tαὐτῷ, acc. after ἡμετέρου,—

§§ 8, 9. I contend that my father had a perfect right to build the enclosure, as even the plaintiff himself admits that the land is our own property. This being admitted, a personal inspection would in itself have sufficed to show the jury how groundless the present action is. And this was why I wanted (and my opponents refused) to submit the matter to the arbitration of impartial persons who knew the neighbourhood. Failing this, I must ask the jury for their closest attention while I describe the position of the properties in question.

8. οὖθ'/...ταὐτῇ Or. 54 § 26, Madv. Gk. Synt. § 208.

ἡμετέρου ιδιον] 'our own private property;' stronger than ἡμετέρου. So in § 15. — The grammarian Priscian, who curiously regards ιδιον as an exact equivalent to the Latin suus has the following remark: quod mi-
rum est, hoc ipsis [id est τὸ ιδιό] etiam primum et secundae adjaun-
gitaur personae atriū idios ut Ἰεραίαν ἐν τῷ πρὸς Βύκελήν: οὖκ ἀν 
τὰ ιδιά τὰ ἐμαυτοῦ (fragm. 60).

Demosthenes εἴ τ' πρὸς Πολυ-
kλέα: οὐ περὶ τῶν ἐμῶν ἱδίων μάλ-
λον τιμωρήσετε Πολυκλέα ἢ σοι
ἐπὶ οὐκ ἢμῶν αὐτῶν καὶ ἐν τῷ αὐτῷ 
οὐ περὶ πλεονοῦ ἐποιησάμεθα τὰ 
ἐμαυτοῦ ιδία τὰ ἕμετρα (Dem.
Or. 60 §§ 66, 69). ἐν δὲ τῷ 
πρὸς Καλλικλέα περὶ χωρίου 
βλάστη' τὸ μὲν γὰρ χωρίον—
ἡμέτερον ιδιον εἶναι. Phros-
nicus παραπλαίοι: ὅπερ ἑμῶν 
ἀυτὴν ιδίον, ποι ὑμοι δείκτους 
'menum proprium,' et suum 
proprium,' dictur tamen etiam 
'suum proprium illius,' ut non 
pateatur abundare 'sumum,' sed 
indubiam disserentium signi-
ficaciam. Priscian, Instit. p.1089
—90.

τοῦτον 3' ὑπάρχοντος] 'this
being admitted,' 'with this fact
to begin upon.' Plat. Tim. 
p. 29 A, τοῦτον ὑπάρχοντον τοῦτον ὑποκειμένον, his post-
ulates.

9. ιδόντες] as elsewhere, Good- 
win's Moods and Tenses § 52, 1.

...τοῖς εἰσόη...τοῖς εἰσοι...τοῖς εἰσοί.] § 35,
εἰδόσων ἐπιτρέπετε ἐβουλήμην ἐγώ, τοῖς ἰσου. ἀλλ' οὖν οὗτοι, καθάπερ ἦνα λέγειν ἑπιχειρουσί' δὴ λοιπὸν ὅμως καὶ τούτῳ αὐτίκε ἦσται πάσιν. ἀλλὰ προσέχετε, τοῦ ᾧ ἄνδρες Ἀθηναίοι πρὸς Διὸς καὶ θεῶν τῶν νομῶν. τοῦ γὰρ χιαρίου τοῦ τ' ἐμαθ καὶ τοῦ τούτων τὸ μέσον' ὅδε ἐστιν, ὅρος δὲ περίεχοντος κύκλω τοῖς χωρίοις τὸ ὁ Bekk. (Berlin). μέσον Σ et Bekk. st. cum Σ (prima manu).

ἐταύμαζον ἤμεν ἐπιτρέπετων τοῖς εἰδόσων, ἵνα καὶ κοινῶς. Or. 40 § 40, διαστημάτω τοπογραφία. On 'private arbitrators' see note on Or. 54 § 26 § διαμαρτα. In the present instance, the consent of the speaker's opponents was essential, and he insists (for all they urge to the contrary) that it was to their refusal that the failure of his attempt to secure an amicable settlement must be ascribed.

οὗτος ὁτι] ἐπιτρέπετον ἐβολήματα.—In the next sentence ἐν o and τὰς go together, καὶ emphasizing τοῦτο. προσέχετε—τοῦ νομοῦ.] 'I implore the jury, in the name of all that's sacred, to give me their best attention.' The earnestness of this appeal (τρέσ Διὸς καὶ τῶν θεῶν) is explained by the fact that unless the jury clearly understood the topographical details which here follow, the remainder of the speech would be almost unintelligible, and what applies to the original hearers holds equally good for the modern reader. The defendant has just informed the court that an actual inspection of the premises would have been decisive in his favour; he therefore naturally endeavours to compensate for that disadvantage by giving his audience a distinct description of the relative situation of the properties of the contending parties. [In modern courts a map or plan made by a surveyor would be produced. P.]

§§ 10, 11. The estate of my opponents is separated from my own by a public road, and both are surrounded by a tract of mountainous country. Thus, the drainage from the hills flows partly into our properties, partly on to the road, and in the latter case, it is either carried down the road itself, or, if anything stops its course, it inundates the properties. On one occasion, the water made an inroad into what was subsequently my father's property, and, owing to neglect, made more and more way. Accordingly my father, on coming into possession, built this wall to protect his land from the encroachments of his neighbours as well as from the inroad of the water.

10. τοῦ γὰρ—ὅδε ἐστι.'] lit. 'for the space between their property and mine is a road,' i.e. there is a road between their property and my own.' τὸ μέσον, however, seems a less satisfactory reading than μέσον.

дрου περιεῖχοντος κύκλῳ.] Χερ. Hellen. lv. 6, 8, διὰ τὰ κύκλω περιείχοντα δη. Plat. Critias, λ. τὸ περὶ τὴν πόλιν τῶν τεῖων ἐκείνη μὲν περιέχων αὐτῷ δὲ κύκλῳ περιεῖχοντος δραστ. τοῖς χωρίοις.] This can hardly
LV. PROS KALLIKLEA

§ 11.

καταρρέων ὕδωρ τῇ μὲν εἰς τὴν ὄδον, τῇ δὲ εἰς τὰ χωρία συμβαίνει φέρεσθαι. καὶ δὴ καὶ τούτῳ εἰσπίπτουν εἰς τὴν ὄδον, ἢ μὲν ἄν εὐδή, φέρεται κάτω κατὰ τὴν ὄδον, ἢ δὲ ἄν ἐστὶν τῇ, τημικαίτα τούτῳ εἰς τὰ χωρία ὑπεράλλευν ἁναγκαίον ἥδη. καὶ δὴ κατὰ τούτο τὸ χωρίον, ὃς ἄνδρες δικασταὶ, γενομένης ἐπομβρίας συνέβη τὸ ὕδωρ ἐμβαλεῖν ἀμεληθέν δὲ οὕτω τοῦ πατρὸς ἔχοντος

+évōte Bekk. (Berlin).

be taken with περιέχοντος κύκλῳ which would require an accusative, nor again with καταρρέων as we should then expect τὸ τοῖς χωρίοις καταρρέων ὕδωρ, which indeed is actually printed in Reiske's Index Graecitatis (with the explanation 'id est eis τὰ χωρία'). Reiske's erroneous quotation may account for this passage being cited in Liddell and Scott as an instance of καταρρέω 'c. dat. to rush down to a place.'

A better explanation is either to construct it with συμβαίνει, (which however is objectionable on account of the repetition of τὰ χωρία in the same sentence,) or, better still, to understand it as a kind of dativus incommode: in the latter case we might render as follows: 'between their property and mine there is a road; a hilly district encircles both; and unfortunately for the properties the water that flows down runs (it so happens) partly into the road, partly into the properties.'

[I should regard χωρίοις as the dative in relation to position; 'as these arms have mountains enclosing them on every side.'] ὅτι δὴ καὶ ἄν. 'and in particular.'

After making a general reference to τὸ καταρρέων ὕδωρ, the speaker narrows his description to the water which runs down the road. In the next section again, κατὰ δὴ limits the subject still further to the water which on a special occasion made its way into his own property.

ὁ δὲ εὐδῆ. 'wherever it has a free course.' Arist. gen. anim. 1. 18, μεῖ στόμῳ ἄν εὐδήσῃ τοῦ σώματος καὶ (as a passive in intransitive sense) ib. π. 4, εὐδησεν μᾶλλον. Cf. infra § 11, τὸ ὕδωρ...μᾶλλον ὑδατοῦ.

ὁ δὲ ἐστὶν τῇ. 'wherever anything stands in the way'—'any obstacle intervenes.' Plat. Phaedo, 77 b, εἰ ἐκείνης (ἐστι, ὀστεῖ) τὸν πολλῶν (of an objection in argument, ἐ-στασις). τημικαίτα κ.τ.λ. 'why! thereupon it must of course overflow the properties.' τημικαίτα, though almost always used of time, occasionally (as here after ἢ, which indicates place) bears a more general meaning, 'in that case,' 'under these circumstances.'

11. ἀμεληθέν] It seems best to regard this as an accusative neuter absolute ('neglect having ensued'), and not to take it
cattle on to a neighbour’s land, for pasture. Hence the metaphorical use of the word in Aesch. Ag. 485, πιθανόν ἄγαν ὃ τὸ ποιμενέμετα ταχύτερον. Among other words compounded with ἐν and used of encroachments on the debaseable borderland of two countries, or on the boundaries of adjacent properties, we have ἐπεργάζομαι and ἐπεργασία.

In Plato’s Laws (pp. 843—4) there is a long and interesting passage, in which the annoyances caused by neighbours are dwelt upon, and suggestions made for legal remedies. We transcribe these portions only which illustrate the clause before us, and indeed the speech in general. p. 844 α. βλάβαι πολλαὶ καὶ συμέρισα γειτόνων γιγνόμεναι, διὸ τὸ διαμένειν ἔχρας ὑγιῶν μέγας ἐντικόνουσα, χαλεπὴν καὶ σφόδρα πικρὰν γειτονιὰν ἀπεργάζονται. διὸ χρὴ πάντως εἰλαβέσθαι γειτόνα γειτὸν μὴ δὲ ποιῶν διάφορων, τῶν τῶν ἄλλων πέρι καὶ δὴ καὶ ἐπεργασίαις ευμακαρίας σφόδρας διευλαβομένην... ὃς δ’ ἄν ἐπεργάζεται τοῦ γειτονοῦ ὑπερβαινῷ τοῦ ὄρου, τὸ μὲν βλάβος ἀποτικνεῖτο, τὴν δὲ ἀναβιάζαι ἀμα καὶ ἀνέκεισις ἑνεκα ἀτενέμενου δικαίωμα τοῦ βλάβου ἄλλο ἐκτισάντω τῇ βλαφθέντι... καὶ ἄν τις δοκιμάζῃ ἐπιενέμη, τάς βλάβας (ἀγρονόμοι) ὀρφανῶς κρατούντων καὶ τιμιωτῶν.

See esp. Donaldson’s New Cratylus § 174, where this class
of words is discussed. He apparently understands ἐπιγέμειν in this passage to refer to a 'commontrespass'; but this is sufficiently expressed by βαδιοῦν διὰ τοῦ χωρίου, and it is therefore better to give ἐπιγεμένων that special application to the 'encroachment of cattle' which it constantly bears.

αἰμασίαν. Never used in the sense of a 'hedge,' but always of a 'wall of dry stones.' In Odys. xiii. 359 and xiv. 224—230, αἰμασίας λέγεις is explained in a scholiion, οἰκοδομῶν ἐκ ὀυλεκτῶν λίθων, and Hesychius paraphrases the word τὸ ἐκ τολῶν λίθων λογίων ἄθροισμα. Thus in Theocr. i. 45, a boy watching a vineyard is described as sitting εἰς αἰμασίαι; and in n. 93 we have roses growing in beds beside the garden-wall, ὄβνη τῶν ἄνθρωπων ἄμα δείχνας τεχνῶν έρήμων. Cf. Plat. legg. 881 a, περιβόλου αἰμασίων των, τεχνῶν ἐρήμων.

In Bekker's Anecdota Graeca p. 556, we have the definition, τὸ ἐκ χαλίκων φιλοδομημένων τεχνῶν, where the next few words, κυριώτερα τούς ἐκαθόρισμένους λέγεις φρονίμως, shew that such walls were sometimes topped with thorns (Odys. xiv. 10, αὐλῆς...δείχνας...μετάκτων λάσιν καὶ ἐθρήκωσεν ἀχέρις, cf. xxiv. 280), just as in England rough stone-walls are frequently finished off with furze and other prickly shrubs.

§§ 12—15. The plaintiff claims I have damaged his estate by obstructing 'the water-course.' In reply, I shall prove that what he calls a water-course is no such thing, but really part of our own ground, for it has fruit-trees growing in it which were planted before my father built the enclosure, and it contains a burial-place made before we acquired the property.

All this is in evidence, gentlemen, as also the fact that the wall was built while the plaintiff's father was still alive, and without any protest on the part of my opponents or the rest of my neighbours.

12. τὴν χαράδαρα.]{ emphatic, as is shewn by its prominent position and by the next sentence.

βλάπτειν ἐκείνον; } The order of words, (1) the infinitive, (2) the subject, (3) the object, is exactly parallel to that in Or. 54 § 81 μὴ παράξειν Κόρωνα Ἀριστοτε. χαράδαρον...ἀλλ' ὀδ χαράδαρα.] 'private ground and no water-course.' Isocyr. ad Dem. § 3 τῶν πνευματῶν ἀλλ' ὑπ' τῶν φαβλῶν εἶναι μιμητὰς.
13 χαράδραν. εἰ μὲν οὖν μὴ συνεχωρεῖτο ἡμέτερον ἴδιον εἶναι, τάχ’ ἂν τούτο ἴδικοίμεν, εἰ τι τῶν δημοσίων φιλοδομοῦμεν νυνὶ δ’ οὔτε τούτο ἀμφιβολοῦσιν, ἐστι τ’ ἐν τῷ χωρίῳ δένδρα πεφυτευμένα, ἀμπελοί καὶ συκαί. καὶ τοι τίς ἐν χαράδρα ταύτ’ ἂν φυτεύειν ἄξιόστειν; οὐδεὶς γε. τίς ἰδίων τοὺς αὐτοῦ
14 προγόνους θάπτετεν; οὐδὲ τούτ’ οἴμαι. ταύτα τούν ἀμφότερ’, ὃ ἀνδρέσ δικασταί, συμβέβηκαν καὶ γὰρ τὰ δένδρα πεφύτευται πρότερον ἢ τὸν πατέρα περιοικοδομῆσαι τὴν αἰμασίαν, καὶ τὰ μνήματα παλαιὰ καὶ πρὶν ἢμᾶς κτήσασθαι τὸ χωρίον γεγενημένα ἐστίν. καὶ τούτων ὑπαρχόντων τις ἄν ἐτι λόγος ἵσχυρότερος, ὃ ἀνδρές Ἀθηναίοι, γένοςτο; τὰ γὰρ ἐργά φανερῶς ἐξελέγχει. καὶ μοι λαβὲ πᾶσας νυνὶ τὰς μαρτυρίας, καὶ λέγε. 13. εἰ μὴ συνεχωρεῖτο ἴδιον εἶναι, τάχ’ ἂν ἴδικοίμεν, εἰ τι τῶν δημοσίων φιλοδομοῦμεν.] In this conditional sentence, we have one apodosis ἴδικοίμεν δ’ cor-
responding to a double protasis. The second protasis εἰ—φιλο-
dομοῦμεν reiterates the first with a slight change of idea. The
supposition stated at the beginning of the sentence is thus re-
stated with some slight redundancy at the end, and reaches the bearer in two parts, which enter his mind separately and there unite. So in Plat. Phaedo 67 ε, εἰ φοβώτατο καὶ ἀγαπατότεν, οὐ πολλὴ ἄν ἁλογι
cι...εἰ...εἰ μὴ ἄμενοι ἐκείνο ἴσιν. The idiom may be illustrated by the effect upon the brain of the double images of external objects entering the eyes sepa-
rately and subsequently uniting. Numerous varieties of construc-
tion, of which the present is a single instance, are grouped
under the general heading of ‘Binary Structure’ in Riddell’s
Digest of Platonic idioms, § 304. ἡμέτερον ἴδιον.] See note on
§ 8, ad fin. τεφυτευμένα.] ‘planted’ and not growing wild, like the ἐρ-
νέος or συκή ἄγρια.
τί...θάπτειν.] The telling
question, ‘who would think of burying his ancestors in a
water-course?’ (a question seriously put, unless perhaps we
ought to take it as one of the touches of humour character-
istic of this speech), is of
course not meant to apply to all
the tombs subsequently men-
tioned (§ 14), as some of them
were there even before the land
came into the speaker’s pos-
session.
14. καὶ γὰρ...καλ.] ‘for not only...
but.’ A frequent idiom, though
one but little observed. P.]
τούτων ὑπαρχόντων.] Cf. § 9
init.
15 Ἀκούετε, ὁ ἄνδρες Ἀθηναίοι, τῶν μαρτυριῶν. ἂρ' ὕψων δοκούσι διαρρήκτην μαρτυρίαν καὶ τὸ χωρίον εἴναι δένδρων μεστὸν καὶ μνήματ' ἔχειν τών καὶ τάλλων ἀπερ καὶ τῶν ἄλλως χωρίους συμβεβηκέν; καὶ πάλιν ὑπὶ περιφροκομήθη τὸ χωρίον ξώντος μὲν ἐτὶ τοῦ τούτου πατρὸς, οὐκ ἀμφισβητούμεν δ' οὔτε τούτων οὔτε ἄλλου τῶν γειτόνων οὖν ὑπὸ;

16 Ἀξίου δ', ὁ ἄνδρες δικασταί, καὶ περὶ τῶν ἄλλων τῶν ἠδόνες ἔρημος Καλλικλῆς ἀκούσας. καὶ σκέψασθέν πρῶτον

15. ἄρα...] We should expect ἄρα' οὖχ, which, like nonne, distinctly implies an affirmative answer. But ἄρα is not frequently used alone, to denote a simple interrogation, the context shewing whether a negative or, as here, an affirmative reply is expected. Xen. Cyr. iv. 6. 4, ἄρα βέβηλης δι' ἐφεξῆς;

μνήματα...τῶν.] Not μνήματα παλαιά as before. The description is made as general as possible to shew that the piece of ground in question had all the essential characteristics of private property.—τάλλων ἀπερ. The speaker does not specify what is included in this et cetera, but the depositions probably went into further detail.

§§ 16—18. The plaintiff speaks of the stoppage of a water-course. Now, firstly, I don't suppose that in the whole of Attica there is such a thing as a watercourse by the side of a public road. The water would naturally flow down the road and a water-course would be quite unnecessary. Next, no one surely would think of allowing water passing down the highway to flow into his own land; on the contrary, he would of course dam it off, if it ever made inroad.

Now the plaintiff wants me to let the water flow into my own land, and to turn it off into the road again after it has passed his property. Why then, the owner next below my neighbour opposite will complain. In short, if I take the water from off the road, I cannot let it out again either into the road or into my neighbour's properties. And no other course is open to me, for I presume the plaintiff won't compel me to drink it up.

16. σκέψασθε.] The other reading σκέψασθαι (closely connected by καί with διούσα) is perhaps less preferable, but is accepted by the Zurich editors, partly on the authority of the Paris ms Σ.
μὲν εἰ τις ὑμῶν ἑόρακεν ἢ ἀκήκοε πῶς τε παρ' ὦ ὁδὸν χαράδραν οὕσαν. οἷοι γὰρ ἐν πάσῃ τῇ χώρᾳ μηδε-
μαλα εἰναι. τοῦ γὰρ ἐνεκα, διὰ τῆς ὄδοι τῆς δημοσίας
ἐμελλε βαδιεσθαι φερόμενον, τούτῳ διὰ τῶν ἰδίων
17 χωρίων χαράδραν ἐποίησε τις; ἐπειτα τις ἀν ὑμῶν ἕιτ'

ἡ ἑόρακεν Ζ.

οἶμαι — ἐποίησε τις;} The speaker, after asking whether
any of his audience has ever
seen or even heard of a water-
course running by the side of
a public way, takes upon him-
self to declare that he does not
believe there is anything of the
kind in the whole of Attica.
The startling character of this
assertion, which could hardly
have been untrue, is only
equalled by the delightful
frankness with which he as-
signs the reason; ‘what could
induce any one,’ he asks, ‘to
make a channel through his
private grounds for water,
which, if let alone, would be
sure to flow down along the
public road?’ The passage is
singularly suggestive on the
state of the mountain roads of
Attica; the public road, so
called, would in numbers of
cases be little better than the
path of a mountain-torrent,
which might be used in dry
weather for purposes of transit,
but in very wet seasons would
revert to the possession of the
waters. In the days of De-
mosthenes many of the moun-
tain roads were, we presume,
not much better than those of
modern Attica, as described in
Edmond About’s lively book on
Greek brigandage, Le Roi des
Montagnes:

"I crossed at a leap the
Eleusinian Cephissus... One
hundred paces farther on, the
road was lost in a wide and
deep ravine, hollowed by the
reins of two or three thousand
winters. I supposed with some
show of justice that the ravine
must be the road, for I had
noticed in my previous excursions
that the Greeks dispense
with making a road wherever
the water has been kind enough
to take that duty on itself. In
this country, where man but
slightly thwart the laws of na-
ture, the torrents are royal roads;
the rivers turnpike-roads; the
rivulets cross-country roads.
Storms do the office of highway
engineers and the rain is an in-
spector who keeps up without
any control the means of com-
munication, great and small."

(p. 45 = p. 42 Eng. transl. 1682.)

[We must remember that
road-making, as we have it, is a
modern art, and that the want
of roads is still the cause of
backward civilisation and com-
merce in many countries. The
hollow or sunken lanes, common
in many parts of England, are
carried by the excavating power
of water running along tracks.
The Romans raised their roads
(viam munire) apparently to
avoid this. As an illustrative
passage, we may quote Iliad
xiii. 420, ἐρχομοι ἐν ἡτη, ἢ
χεμέρων ὁλῶν ὡδωρ ἐξέπεφερ
ἴδιον, βάδισαν ἐν χώροις ἄχταν. P.]
έν ἄγρῳ νη Δι' εἰς ἐν ἅστει τὸ διὰ τὴς ὀδοῦ ῥέων ὕδωρ εἰς τὸ χωρίου ἢ τὴν οἰκίαν δέχατ' ἂν αὐτόν; ἀλλ' οὐκ αὐτὸ τοῦναττον, κἂν βιάσηται τοτε, ἀποφάστειν ἀπαντες καὶ παροικοδομεῖν εἰσόθαμεν; οὖτος τῶν ἄξιοι μὲ ἐκ τῆς ὀδοῦ τὸ ὕδωρ εἰσδεξάμενον εἰς τὸ ἐμαυτοῦ χωρίου, ὅταν τὸ τοῦτον παράλληξε χωρίον, πάλιν εἰς τὴν ὀδόν ἐξάγαγεν. οὖκοι πάλιν ὁ μετὰ τούτων μοι γεωργῶν τῶν γεωτῶν ἐγκαλεῖ τὸ γαρ ὑπὲρ τοῦτον δίκαιον δῆλον ὅτι κάκελωσιν ὑπάρ- 13 ἔτι πᾶσι λέγειν. ἀλλ' μὴν εἰ γε εἰς τὴν ὀδόν ὄνυκτος τὸ ὕδωρ ἐξάγαγεν, ἢ που σφόδρα ϑαρρῶν εἰς τὸ τοῦ

ture of βαδίω (retained even by Plutarch and Lucian); the
other forms, βαδίων and βαδίων, are characteristic of the worst
Greek, extrema barbariae (Cobet, var. lect. 329).

ἀγρῷ τοῦναττον. [‘on the very contrary,’ so also in Or. 22 (Androt.), § 7.—ἀγρῷ τοῦνατόν was the vulgar text until corrected by
Reiske, on the authority of two mss and the margin of S; but
the correction is so certain that authority is hardly wanted.

ἀποφάστειν καὶ παροικοδομεῖν] ‘turn, and stay off.’ The
former implies an abrupt cutting off of the water by a transverse
dam athwart the stream; the latter probably expresses a
wall built parallel to the stream to narrow its course.

οὕτως τῶν—ἐγκαλεῖ. ‘This
man, Callicles, expects me, to
take the water from the road
(where it has no χαράβαν) into
my farm, and when it has pass-
ed his, again to carry it out of
my farm into the road. But,
in that case, the farmer who
occupies next to him would
complain;’ i.e. he would say
that I ought to carry it beyond
his farm also, lest it should
come in from the road. It is
clear that the defendant’s farm,
on one side of the road (§ 10),
extended considerably beyond
that of the plaintiff Callicles on
the other. For he says that, if
bound to carry it beyond one
farm, he was bound to carry it
beyond a second or a third, be-
fore he allowed it to re-enter
the public road. P.

ἐγκαλεῖ.] ‘draw off,’ ‘let
out.’ Xen. Oec. 20 § 12, τὸ
ὕδωρ ἐξάγαγεν τάφρος.

ἐγκαλεῖ. Not present, but
future. The context is decisive
and the margin of the Paris ms
has ἐγκαλεῖ, pointing to the
same conclusion; though the
note seems due to a copist
who did not recognise in ἐγκαλεῖ
the regular Attic future. In
Or. 33 (Aristoer.) § 123, we have
ἐγκαλεῖσθαι; so also in Or. 19
§ 133. The simple verb καλῶ
hardly ever (Cobet says, never)
has any other future than καλῶ
(var. lect. 28, 29).

18. ἂν τού.] ‘Surely, I should
scarcely be bold enough to turn
it on to my neighbour’s land;?’
—‘I should be a very bold man
τοις δικαστέως διαιτηθέν. Αλεξιής κατά Κτησιφώντος (p. 84. 7), Δημοσθένης κατά Μέδου (§ 115).

Again Pollux (S. 63) has: ἀτίμητος δὲ δέχεται, ἵνα οὐκ ἐπιτιμήσῃ τιθεντίμους καὶ τοις ἑπεξεργασάται.

The above explanation is wrongly reversed by Suidas (ap. 74 of Telfy's Corpus juris Attici), by the Lexica Segueriana (on p. 202 and 469 of Bekker's Anecdota Graeca) and even in a scholium on § 26 ἱππα, χιλιων δραμάδων ἐπεχραμήντιι φεύγων, a passage which is decisive in favour of Harpocrates' distinction.

ὅπου δὲ μῆτε. There would seem to have been a law prohibiting the draining of farms on to a public way. Hence he says ἐλ τὴν ὴδων ἵππων τοῦ ὀφέλους πάλιν. It was equally illegal, of course, to drain on to another's land. Hence he asks what he was to do with the water, if once he admitted it on his farm? And the inference is, that he was right in not admitting it, but in damming it back as far as he could, and letting it run as it might along the road. P.]

οί γὰρ ἐκποιήσατο-αὕτῳ προσωπικότητάς ουδὲν ήν ἔστησεν.] This passage is
19 γε δήπο με Καλλικλής αυτό προσαναγκάσει. ταῦτα
tοίνυν ἐγὼ πάσχων ὑπὸ τούτων καὶ πολλὰ ἐτερα καὶ
dενά, μὴ ὅτι δικὴ λαβθεί, ἀλλὰ μὴ προσοφλεῖν ἀγα-
πήσαι" ἀν. εἰ μὲν γὰρ ἥν, ὦ ἄνδρες δικασταὶ, χάρα-
δρα πάλιν ὑποδεχομένη, τάχι ἀν ἦδικον ἐγὼ μὴ δεχό-
μενος, ἀπερ ἀνὰ χατέρ' ἀπὸ τῶν χωρῶν εἰσὶν
ὅμολογοίμεναι χαράδραί καὶ ταῦτα δέχονται μὲν

provided an outlet for streams
that pass down to them from
the higher ground immediately
adjacent, or again owing to care-
less transmission of the streams
on the part of the neighbours
higher up the hill.

§ 19. Now had there been a
water-course below my property,
to take off the drainage, I might
have been doing wrong in refus-
ing to let the water into my
land; but, as it is, the water-
course alleged is neither passed
down to me by any neighbour
immediately above me, nor passed
down by me to any one else
down.

19. μὴ δτι—ἄλλα μὴ...ἀγαθή-
σαιμ" ἀν.] 'I must be content, I
do not say, with obtaining a ver-
dict, but with escaping convic-
tion.' The sense is: 'Victimised
as I have been, instead of gain-
ing legal satisfaction from my
opponents, I must think myself
fortunate if I am not convicted
to pay them an additional
penalty.'

εἰ μὲν γὰρ—παραλαμβάνων
ὡσαντον.] In Plato's Laws pro-
visions are suggested to prevent
damage being incurred in times
of heavy rain owing to neglect
on the part of neighbours in

quoted by Aristides (p. 470 in
Spengel's Rhet. Graeci), δης
εἰς ἄτομον ἁγάθες τὸν λόγον,
βαρνάθημα ἑρωεσία, ὡς ἐν τῷ πρὸς
Καλλικλῆα, ὥσ πὴ ἐκπειραῖ με
ἀμή Καλλικλῆς ἀναγκαίαν.
The Rhetorician recognises the force
and effectiveness of the sen-
tence, but fails to draw atten-
tion to its humour.

§ 19. Now had there been a
water-course below my property,
to take off the drainage, I might
have been doing wrong in refus-
ing to let the water into my
land; but, as it is, the water-
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σαιμ" ἀν.] 'I must be content, I
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εἰ μὲν γὰρ—παραλαμβάνων
ὡσαντον.] In Plato's Laws pro-
visions are suggested to prevent
damage being incurred in times
of heavy rain owing to neglect
on the part of neighbours in
Puted water-courses. A curious expression. The nearest approach to it that I can find is (Andoc.) Or. 4 § 17 οὐδὲν ἄτοτι τῶν διολογοῦμεν ὑδάτων. Pto's χεμάρρους.] here 'water-drains,' 'gutters,' like ὅρροφος Ar. Ach. 922. The word has lost all trace of its primary meaning 'a winter-torrent.'

§ 20. The fact is, that simply owing to the plaintiff's own carelessness, he has suffered from a flood, as others have before him; and the strangest inconsistency of all is, that the plaintiff, while he himself brings to the spot large stones to dam off the water when it makes inroad, has actually brought against me a suit for damages, just because my father built a wall round his property with the very same object.

20. μὴ φυλαξαμένου.] 'for not being on their guard,' 'owing to their neglect.' μὴ here implies the reason, as distinguished from ὅ which would only denote the fact. The vulgar text before Wolf's ed. had φυλαξαμένου, Wolf proposed and Reiske accepted οὐ φ. but μὴ φ. is clearly better, and is found in several mss. (Augustanus 1 and 5, and Bavarian.)

d καλ...δεινότατον, et.] Isocr. Archidamus § 56 δ ἐκ τῶν σχετικῶν δεινότατον, εἰ φιλοσοφότατοι δοκοῦσι εἶναι...ρατύμμετρον βουλευόμεθα. Paneg. § 128 δ ἐκ τῶν δεινότατων, ὅταν...(Dem.) Aristot. (25) § 31 ἐκ τῶν λόγων ἀκριβῶς, εἰ κ.τ.λ. In such sentences ὅ δε implies a less close connection with the previous context than ὅ καλ, and ἐστί is frequently omitted (Kühner § 406, 9. Madvig, Gr. Synt. § 197).

LV. PROΣ KALLIKLAEΑ [§§ 21, 22.

λήβονται δίκας, οὐδὲ πολλαπλάσια γενόμενα τὰ ἄντα
21 ἐξαρκέσειν ἀν μοι. τοσοῦτον τοῖς διαφέρουσιν
οὗτοι τῶν ἄλλων ὡστε πεπονθότες μὲν οὐδὲν, ὡς αὐ-
τικὰ ὑμῖν ἐγὼ σαφῶς ἐπιδείξω, τοπλῶν δὲ τοπλὰ καὶ
μεγάλα βεβλαμμένων μόνοι δικάζεσθαι τετομήκασιν
οὗτοι μοι. καὶ τι πᾶσι μᾶλλον ἐνεχόρει τοῦτο πρά-
ττεις. οὗτοι μὲν γὰρ, εἰ καὶ τὶ πεπόνθασιν, αὐτὸι δὲ
αὐτοῖς βεβλαμμένοι συκοφάντουσιν ἐκεῖνοι δὲ, εἰ καὶ
μηδὲν ἄλλο, τοιαύτην γ’ οὐδεμιὰν αἰτίαν ἔχουσιν. ἄλλ

οὐδὲ πολλαπλάσια.] So in § 35
the defendant speaks of his
μικρὰ οὐδα.

§ 21. If all my neighbours
were to treat me as the plaintiff
has done, I should soon be a ruin-
ed man; but while the rest, who
have had great losses, are content
to bear their misfortune, my pre-
sent opponents alone, who have
lost nothing to speak of, are
bringing against me a groundless
action for damage entirely due
to their own neglect.

21. πεπονθότες...βεβλαμμένων
cf. § 11 ὄρων...ἐπευμυτων ρ.
τετομήκασιν.] τοπλῶν and its
tenses are regularly used
in Greek prose, while τῆρων is
almost entirely confined to
Greek verse (note δὴ Ιασορ.
Page. § 10 ἐγλησιαν).—τοῦτο
πράττειν=δικάζεσθαι.—πᾶσι βο.
τοῖς ἄλλοι.

εἰ καλ.] Notwithstanding—
even if—they have had some
trifling losses, εἰ καλ, without
disputing the condition (here
εἰ πεπονθασι), represents it as of
little consequence; καὶ εἰ or κα
‘even supposing’ introduces a
condition which is utterly im-
probable. Kühner § 375.

αὐτόι — βεβλαμμένοι.] ‘they
have incurred damage owing to
their own fault alone (by not
damming off the water as I
did), though they vexatiously
throw the blame upon me.’ The
participle here is quite as em-
phatic as a principal verb.

ἐκεῖνοι αἰτίαν ἔχουσιν.] ‘where-
as the rest of my neighbours,
not to mention any other point,
at any rate incur no im-
pugnation as this.’ With μηδὲν
ἄλλο I understand διαφέρουσι,
and I refer αἰτίαν ἔχουσι to
αὐτόι δὲ αὐτοῖς βεβλαμμένοι συ-
κοφάντουσι. The imputation is
συκοφαντία, bringing a vexations
charge when they are them-
selves to blame for want of pre-
ceution. Cf. next § τοῦτοι μὲν
μηδὲν ἐγκαλεῖν...τοῖς βεβ-
λαμμένοι.

[‘while the rest, however
negligent they may have been,
are at all events chargeable
with nothing of this kind,’ Ken-
nedy. This seems to give
the sense; but the precise ellipse
with εἰ καὶ μηδὲν ἄλλο is ob-
scure. P.]

G. H. Schaefer explains τοιαύ-
την αἰτίαν by the words τοῦ
αὐτοῦ (ου. αὐτοῦ) δὲ αὐτοῦ βεβλαμ-
θεί, and with εἰ καὶ μη-
δὲν ἄλλο he understands πεπον-
θασι τοῦ φυλάττεσθαι τὴν ἐκ
του υδάτος ἐνυμένην βλάβην.

αἰτίαν ἔχω (except in Pl.
Phaedo 101 c, where it means
‘have you, i.e. do you know,
any cause?) is nearly equivalent to δέχεσθαι, 'to have the reputation (i.e. either the credit or the imputation) of...' It occurs in the better sense 'to have the credit of' in Isoc. de pace § 158 τοῦτον τῶν ἄγαθων τὴν αἰτίαν ἔχον. The worse sense 'to incur an imputation' (as here) is far more common (e.g. Lysias Or. 22 § 18, 10 § 28, 13 § 62). Both meanings are combined in Thuc. i. 83, 8 τῶν ἀποβασάλυτων τὸ πλέον εὖ ἀμφότερα αἰτίας ἔχον (note on Isoc. Paneg. § 109).

§ 22. The plaintiff himself done wrong by advancing his wall and thus narrowing the road, and by shooting his rubbish on to the road and thus raising its level.

22. δεινόν, τοῦτον μὲν μηδὲν ἐγκαλεῖν...τοῦτον δὲ συκοφαντεῖν.] The clause containing μὲν is coordinate with that containing δὲ, but in English must be subordinate to it. 'Is it not atrocious, that, while my neighbours make no complaint...the plaintiff brings a vexatious action against me?' The influence of δεινόν affects the second clause in its contrast with the first. Dem. Lept. § 8 τοῦ γὰρ οὐκ ἀδερφὸν κατὰ μὲν τὴν ἀγαρόν ἀφευθέν χόλον γεγραφθαί...ἐν δὲ τῷ κοσμῷ μὴ χρησαί οὐδὲ τούτῳ (Isoc. ad Dem. § 11 n. Madvig Gr. Synt. § 189 a, Cicero n. Phil. § 1101. 6 ed. Mayor, n.). τὴν τύχην στέργειν.] στέργειν, in the sense of contented submission, usually has the dative with or without ἔν, e.g. Isoc. de pace § 6 στέργειν τοῖς παρούσιοις. The acc. however occurs again in § 30 τηρεα, also in Hdt. ix. 17 ἐστερεχαί τὰ παρεόσια, Eur. Phoen.1665 τὴν ἐγωστέρρυσκακα, Soph. Ant. 292, and Isoc. ad Dem. § 29 στέργε μὲν τὰ παρόντα ἐφευκτικαὶ δὲ τὰ βελτίστα.

dr.] ὡς εἴσοδεν σαφῶτερον...διὰ αὐτοῦ ἐξεμάραθη. The subject of the subordinate here becomes the accusative of the principal sentence, and all the words down to συμβαθέσθην inclusive form an object-sentence to the principal verb εἴσοδε. Lysias, Or. 20 § 34 οὐδ᾿ ὡσὶν ἦντε εἰτε ἀγαθὸν εἰτε κακὸν...γεγονοῦται (Madvig, Gr. Synt. § 191. Kühner § 600 p. 1089).

στενότερον. The old Greek grammarians (e.g. Choroerobos-cus) state that στενός (Ionic στενός) and κακός have ο, not ω, in the comparative and superlative (cf. Ionic στενότερος).
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 23—25.]

εξώ τήν αιμασίαν, ὑνα τὰ δένδρα τῆς ὅδου ποιήσειεν εἶσω, ἐπευτα δὲ τῶν χλῆδων ἐκβαλῶν8 εἰς τὴν ὕδων, ἐξ ὑψηλότεραν τῆς ὅδου καὶ στενοτέραν9 πεποιήσθαι συμβέβηκεν, ἐκ τῶν μαρτυριῶν αὐτῶν εἴσεσθε σα-23 φέστερον, ὅτι δ' οὐδὲν ἀπολωλεκὼς οὐδὲ καταβε-βλαμμένος ἔξεσθε λόγου τηλικαίτην μοι δικήν ἐπιλή-χε, τοῦθ' ὕμας ἦδη πειράσομαι διδάσκειν. τῆς γὰρ μη-

8 Bekker st. sum. ΤΗΡ ΦΕ et Harpocrat. p. 184, 14. cf. § 27.

ἐμβαλῶν Z et Bekk. (Berlin).

But the forms in ω have better authority than those gram-
marians supposed (Kühner i § 154 ann. 2).

ἐφαγαγὼν...] 'by advancing—
carrying-out—his wall beyond
the boundary.' Thuc. r. 98
μεῖζον ὁ περίβολος πανταχὼ ἐξ ἐξ-
χθη τῆς τούλεως. § 27 infra,
αιμασίαν προαγαγόντες κ.τ.λ.

ἐν...ἐσεῖν] Not 'to get his
trees within the road.' (C.R.K.)
but 'to take in, enclose, the
trees of the road.' A thrust at
the πλεονεκία of the plaintiff.

(1) Λεγό τὰ δένδρα τὰ τῆς ὅδου
ποιήσειεν εἰσω, scil. τῆς αιμασίας.
—(2) Ιμο δελετα γίοσα λέγε τὰ
dένδρα ποιήσειεν εἰσω. Dobreo.

χλήδον 'rubbish'; the word is
only found in § 27 and in a
fragment of Aeschylus quoted
below. Harpocrat. s. τ. χλήδος
Δημοσθένης εἵν τῷ προσ Καλλικλέα
περὶ χωρίου διὰθη προτειν ἐπευτα δὲ τῶν
χλήδων ἐκβαλῶν ἐξ ὑψηλότερα
cal στενοτέραν τῆς αὐτῆς
ὑδάτων πεποιήσθαι συμβέβηκεν. τῶν
πλῆθος χλήδων λέγεται καὶ εἶστι
ὁ λόγος τού τούδον σώμα τυι,
μαίλιστα δὲ τῶν ἀποκαθαρμάτων τε καὶ ἀποθημά-
tων, καὶ τῶν ποταμῶν πρόσχω-
σις, καὶ τὸν μᾶλλον τῶν χει-
μάρων ὁ καὶ χέραδος καλείται
(IIiad xxi. 819). γιὰν δὲ ἔσχους
ὁ ρήτωρ λέγειν ὅτι χωμ καὶ
φρυγανώθη τυι ἐκ τοῦ χωρίου
σώμαν ὁ Καλλικλῆς εἰς τὴν ὅδον

The actual loss sustained was very trifling, as I
know on good authority; and as
for the old wall which he makes
out he was compelled to repair,
that must not be put to my ac-
count, as the wall neither fell
down nor incurred any damage.
περὶ χωριότ.

τρός τῆς ἐμῆς χρωμένης τῇ τούτων μνητρί πρῶν τούτων ἐπιχειρήσαί με συκοφάντειν, καὶ πρὸς ἀλλήλας ἀφικνομένους, οἶνον εἰκὸς ἁμα μὲν ἀμφιτέρων οἰκουσῶν ἐν ἀγρῷ καὶ γειτνιασών, ἁμα δὲ τῶν ἄνδρων 24 χρωμένων ἀλλήλως ἐσος ἔσον, ἑλθοῦσας δὲ τῆς ἐμῆς μητρὸς δὰ τὴν τούτων καὶ ἀποδαιρέμενης ἐκείνης τὰ συμβάντα καὶ δεικνυόμενης, οὕτως ἐπιθύμησα πάντα ἡμείς, ὃ άνδρες δικασταὶ καὶ λέγω μὲν ἀπερ ἰκουσα τῆς μητρὸς, οὕτω μοι πολλὰ ἀγαθὰ γένοντο, εἰ δὲ ψευδομαι, τἀναντία τούτων η μὴν ὄραν καὶ τῆς τούτων μητρὸς ἀκούειν ἕφη κριθῶν μὲν βρεχθῆναι, καὶ ἀραιομένους ἒδειν αὐτὴν, μηδὲ τρεῖς μεδίμνους, ἀλεύρων δ' ὃς ἡμιώδεισιν ἐλάιον δ' ἀποκληθῆναι μὲν κεράμων φάσκειν, οὐ μέντοι παθεῖν γε οὐδὲν. 25 τοσαῦτα, ὁ άνδρες δικασταὶ, τὰ συμβαντ' ἦν τούτως, ἀνθ' ἐν ἐγὼ χιλίων δραχμῶν δίκην ἀτίμητον φεύγα

1 Bokk. oúτας ἄμω τι cum FΣFB.
2 Bokk. αὐτὴν Z cum G. H. Schäfer.
3 Bokk. μέντοι γε ἗ς Z cum Σ.

23. χρωμένης...μητρ.] 'intimate with.' Dem. Or. 29 § 15 'Ἀφόβη χρωμένον, Or. 33 (Apa-

tur.) § 7, Or. 35 (Larcrit.) § 6, ἐπιθῆκοι μοι εἰς καὶ χρωμέθ' ἀλλήλων.—τῶν ἄνδρων, 'their 
husbands.'

24. ἐκείνη] bo. τῆς τούτων μητρὸς.

1, 1 ita me dii bene ament. 
Prop. i. 7, 8 ita sim felix. Cio. 
ad Att. v. 16 ita vivam.

τἀναντία.] a kind of euphem-

ism for πολλὰ κακά. So also 
Soph. Phil. 509, παθεῖν μὲν εἰ 
pαθεῖν δὲ θάτερα.

κριθῶν—παθεῖν γε οὐδέν.] Quoted 
by Aristides (11, 544 Spengel 
Rhet. Gr.) ἐκτὸς δὲ ἡ μὲν ἐννοια 
ἀρετῆς ἔστιν, ἢ δὲ ἀπαγγελ 
πολιτική, ὦς καὶ ἐν τῷ πρῶ 

Καλλικλέα ὁ Ἀμασσανής, κριθῶν 
μὲν—παθεῖν γε οὐδέν. καὶ 
toῦτο δὲ μετὰ συμβολῆς, διὸ 
γε αὐτὸ τῷ κύριοι λεγέθη κυ- 
δυναθεὶς εὐτελεῖς τοῦτο, ὅσπερ 
el ἔλεγε, οὐ μέντοι ἐκχυμηθῆναι 
γε, ἐνταῦθα ὅ δὲ ἀτλὸ τοῦ κυρίου 
καὶ τοῦ κατ' εἶδος, ἐν γένει με-

ταπαλῶν ἐπον, οὐ μέντοι παθεῖν 
γε οὐδέν.

κριθῶν—μεδίμνους.] 'not even 
three medimni (or four and a 
half bushels) of barley.' The 
μεδίμνου = six ekteris = six modii = 
about 12 gallons, or a bushel 
and a half.—κεράμων used like 
the Roman amphora as a liquid 
measure = about six gallons or 
two-thirds of the Greek ἀμφορέας 
(μετρητής).

§ 25. χιλίων δραχμῶν δίκην 
ἀτίμητον.] See note on § 18.
ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 26—29.

οὐ γὰρ δὴ τειχίον ἡ ἐπικοδομησεν, ἐμοὶ καὶ τούτο λογιστέον ἐστίν, δὲ μὴ τ' ἐπεξε μὴ τ' ἄλλο δεινὸν µὴδὲν ἔπαιθεν. ἀντὶ εἰ συνεχόρουν αὐτοῖς ἀπάνταν—1279
tων αἰτίων εἶναι τῶν αὐτοβιβηκότων, τὰ γε βρεχθέντα 26 ταῦτ' ἦν. ὅπως δὲ μὴ τὲ ἐξ ἀρχῆς δ' πατὴρ ἡδικεῖ τὸ
χωρίον περιοικοδομῶν, µὴθ' οὖτοι πώποτε ἐνεκάλεσαν
tοσοῦτον χρόνον διαλθόντος, οἷς τ' ἄλλοι πολλὰ kαὶ
dεινὰ πεπονθότες µηδὲν µάλλον ἐγκαλούσιν ἐµοῖ, πάντες
tε τὰ µείζον τὸ ἐκ τῶν οἰκίων καὶ τὸ ἐκ τῶν χωρίων
údeω εἰς τὴν ὅδον ἐξάγειν εἰδόθατε, ἀλλ' ὤ µα Διῇ
eἰσαι τὸ ἐκ τῆς ὅδος δέχεσθαι, τἀ δεῖ πλεῖον λέγειν; οὐδὲ
γὰρ ἐκ τούτων ἀδηλον ὅτι φανερῶς συνοφαντοῦμαι,
27 οὕτ' ἀδικών οὔτε ὁυτε βεβαλμένων ἀ φασιν. ἵνα
δ' εἰδόθητε ὅτι καὶ τὸν χλῆδον εἰς τὴν ὅδον ἐκβεβλήκασιν
καὶ τὴν ἀίμασιν προσαγάγοντες στενοτέρας τὴν ὅδον
πεπονθόκασιν, ἐτὶ δ' ὡς δρκον ἐδίδουν ἐγὼ τῷ τούτων
µητρὶ καὶ τὴν ἐμαυτοῦ τὸν αὐτὸν ὁµόσαι προῦκαλοῦ-
µὴν, λαβέ ὁµοῖοι τας τὲ μαρτυριας καὶ τὴν πρόκλησιν.

ΜΑΡΤΤΡΙΑΙ. ΠΡΟΚΛΗΣΙΣ.

28 Ἐτια τούτων ἀναισχυντότεροι γένοιτον ἀν ἀνθρώ-

Bekk. et corr. Σ. τειχίον ἡ τειχίον πρ. Σ. τειχίον γε Σ.
teil. FB.
Z et Bekk. st. ἐμβεβλήκας Bekk. (Berlin).

ἐπεκδόμησεν] (cf. ἐπισκευά-
ζων) refers to repairing the old
wall.

δ' µή τ' ἐπεξε.] ‘if the wall
neither fell nor incurred any
damage whatsoever.' δ' µήτρ...
would in Latin be represented
by quod nec cecidisset nec....

§§ 26, 27. Summary of previous
discussions and calling of
witnesses.

26. el τ' ἄλλοι—ἐµοὶ.] Cf. §
21 τολλῶν τολλά...βεβαλμένων
—τάτες—εἰδέσθατε. See § 17
init.

οὕτε βεβαλμένων ἀ φασι.] βε-
βαλμένων, not neuter, but
masc. ‘they have not incurred
the damage they allege.' § 21
πολλῶν πολλά καὶ μεγάλα βε-
βαλμένων.

27. χλῆνω.] See note on § 22.

δρκον ἐδίδου.] ‘offered an oath'
in the sense of ‘proposed to
administer an oath.’ On δρκον
δίδαξαι καὶ λαμβάνειν, see esp.
Arist. Rhet. 1. 16 §§ 27—33.

§§ 28—30. My opponents, after
having themselves advanced their
wall and raised the road’s level,
are most shamelessly suing the
very victims of their own wrong,
for a penalty of a thousand
drachmae, while their own loss
is less than fifty.

If the plaintiff may enclose
his land, we may enclose ours.
If my father wronged you, by
enclosing, you are just as much
wronging me, for if you dam off
the water, it will be swept back
on my own property and will
throw down my wall. But I am
not going to complain; I shall
simply do my best to protect my
land from such an incursion.
The plaintiff shews his prudence
in protecting his own property;
but in prosecuting me, he only
shews his villany and his infatu-
ation.

28. ἀνακεχωκότες.] Cf. § 22
ὑψηλότεραν τὴν ὀδὸν...πεταῖσθαι
συμβέβηκεν.

Ἐλευσίων.] Commonly without ἔν. So also Μαραθῶν and
other locatives of Attic demes.
Cobet. var. lect. p. 69, 201 and
nov. lect. p. 96, 96.

Ἐλευσίς was subject to...oc-
cessional encroachments from
the river Cephus, which—al-
though for the greater part of
the year quite dry, or finding
its way to the sea in three or
four slender rills, almost lost in
a gravelly bed—sometimes de-
sends from the mountains with
such impetuosity as to spread
itself over a wide extent of the
plain, damaging the lands and
buildings.’ Leake’s Demi of
Attica, p. 154.

τὰς βλάβας κομίζεσθαι.] ‘to
recover the damages.’—μετεω-
ροτέρας = ὑψηλότερας, cf. § 22.

§ 29. περίστιν.] More com-
monly with a genitive: but cf.
Mid. § 17, οὐδὲ ἐνταῦθ’ ἔστιν τὴς
ὕβρεως, ἀλλὰ τοσοῦτον αὐτῷ πε-
ριτὴ ὡστε τὸν...ἀρχοντα διέφθειρε.

[τοσοῦτον, i.e. ἀνασχυριάς (or
συκοφαντίας), to be supplied
from ἀνασχυριάτοις (ἡ περιφα-
νίστερον συκοφαντούντες) above,
in § 28.—περίστιν, i.e. ἐν περ-
ιουσίας ἔχονσιν. P.] L. and S.
less well explain it; ‘So far
are matters come with them
that....’
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 30—33:

ως ἐσκεφ., ὡστε τοὺς ἡδικημένους πρὸς συκοφαντοῦσιν. 1280 καίτοι, ὁ Καλλίκλεις, εἰ καὶ ὦμιν περιοικοδομεῖν ἔξεστι τὸ ὑμέτερον αὐτῶν χαρίν, καὶ ὦμιν δῆτον τὸ ὑμέτερον ἔξην. εἰ δὲ ὁ πατὴρ ὁ ἐμὸς ἡδίκει περιοικο-

δομημάτων ὦμις, καὶ νῦν ὑμεῖς ἐμὲ ἀδικεῖτε περιοικοδομοῦν-

30 τες οὕτως. δῆλον γὰρ ὅτι μεγάλοις λίθοις ἀποκο-

δομηθέντος πάλιν τὸ ὑδάρει ἐς τὸ ἐμὸν ἥξει χαρίν, εἰδὴ ὅταν τῦχῃ καταβαλεῖ τὴν αἰμασίαιν ἀπροσδοκήτως. ἀλλὰ οὖν ἡλικίας ἐγκαλῶ τούτως ἐγὼ διὰ τοῦτο, ἀλλὰ στέργω τὴν τῦχῃ καὶ τάμαυτον φυλάττων πειράσομαι. καὶ γὰρ τούτων φράττοντα μὲν τὰ ἐαυτοῦ σωφρονεῖν ἡγοῦμαι, διακαζόμενον δὲ μοι πονηρό-

τατὰν τ' ἐίναι καὶ διεφθαρμένον ὑπὸ νόσου νομίζω.

31 Μὴ βαυμάζετε δ', ὡς ἄνδρες δικασταί, τὴν τούτων προθυμίαν, μηδὲ εἰ τὰ ἑυδή κατηγορεῖν νῦν τετόλημ-

a prosoikofantou'sin Z.

Bekk. (Berlin). Κατηγορεῖν Z et Bekker st. ματηρεῖν FΣΦΒ.

πρὸς συκοφαντοῦσιν.] Cf. An-
drot. § 7 β τοσοῦτ' ἀνέχει του τυχεῖν ωτ' ἀπειλό-

καλος πρὸς ἢδειν εἶναι. Or. 37

§ 49 n.

καὶ ὦμιν...καὶ ὦμιν.] This

idiomatic repetition of καὶ cannot

be literally rendered in English.

περιοικοδομῶν ......-δομοῦτες.]

Posses parókoos. His: sed cave faaces. constite ἡδίκεισιν περι-

oikodomōn 'by hedging in' etc.

Dobree.

30. ἀποκοινοθήκητο.] Geni-
tive neuter absolute. We can-
not understand either τοῦ ὄντος

or τοῦ χαριν. Malin ἀποκοι-

νοθήκη, says Dobree.—στέργῳ, see

§ 22.

διεφθαρμένων ὑπὸ νόσου.] Blind-

ly infatuated, 'having his judg-

ment (or reason) impaired by

some malady,' contrasted with

σωφρονεῖν in the previous clause.

§§ 31, 32. The plaintiff's as-

surance in bringing false charges

against me is only of a piece with

his producing a forged document

on a former occasion, when he

prompted his cousin to claim my

land. Apart from this, simply to

spite me (§ 34), he has brought

the same charge against my ser-

vant, Callarus, as against myself,

though the servant could not have

enclosed the land on his own re-

sponsibility.

Their interested motive is

proved by the fact that, if I let

them have my property, by pur-

chase or exchange, then Callarus

is at once held to be doing them

no wrong; if I refuse, they make

themselves out to be grievously

wronged by him, and try to get

an award or a compromise which

will secure them my estate.

31. μὴ βαυμάζετε...et.] Good-

win's Moods and Tenses, § 56.
κεν. καὶ γὰρ τοῦ προτερον πείσας τῶν ἀνεψιον ἀμφιβητείν μοι τοῦ χωρίου συνθήκας οὐ γενομένας ἀπῆγικε, καὶ νῦν αὐτὸς ἑρήμην μου καταδεικνυται τοιαύτην ἔτεραν δίκην, Καλλάρων ἐπιγραφάμενος τῶν ἐμῶν δούλων. πρὸς γὰρ τοὺς ἄλλους κακοὶ καὶ τούτο εὔρημαι σόφισμα: Καλλάρῳ τὴν αὐτὴν δίκην δικάζονται. καίτοι τίς ἀν οἰκέτης τοῦ δεσπότου χωρίον περιουκοδομήσεις μὴ προστάζων τοῦ δεσπότου; Καλλάρῳ δὲ ἔτερον ἐγκαλεῖν οὐδὲν ἔχοντες, ὑπὸ ὅπων ὁ πατήρ πλέον ἢ πεντεκαίδεκα ἔτη φράξας ἐπεβίω δικάζονται. καὶ μὲν ἔγω τῶν χωρίων ἀποστό τούτος ἀποδόμενος ἢ πρὸς ἔτερα χωρία ἀλλαξάμενος, οὐδὲν ἀδικεὶ Καλλαρὸς· ἀν δὲ ἔγω μὴ βουλόμαι τάμαντον 1281 τούτως προέσβαι, πάντα τὰ δεινῶτα ὑπὸ Καλλάρου πάσχουσιν οὐτοῖ, καὶ ἔτησι καὶ διαίτητιν ὅστις αὐτοῖς τὰ χωρία προσκαταγωγόθεται, καὶ διαλύσεις τοιαύτας ἔξι ἀν τὰ χωρία ἔσοιν. εἰ μὲν οὖν, ὃ ἀνδρες δικασταὶ, τοὺς ἐπιβουλεύοντας καὶ συνοφαντοῦντας δεῖ πλέον ἔσοιν, οὐδὲν ἂν ὄφελος εἴη τῶν εἰρημένων· εἰ δὲ υμεῖς τούς μὲν τοιῶντος μισεῖτε, τὰ δὲ δίκαια

συνθήκας οὐ γενομένας ἀπῆγικην... "put in (or, 'made a return of') false documents, forged contracts that had never been really made.' This is the ἑρήμην...καταδεικνυται. See § 2.

ἐπιγραφάμενος.] Having entered on the indictment the name of Callanus, one of my slaves; [for the same action could not be brought twice in the same name, P.]

For another use of ἐπιγράφονται cf. Or. 54 § 31.

33. 32. ὑπὸ ὅν κ.τ.λ.] = δικάζονται ὑπὸ τούτων ἀ ἑρραχὲν ὁ πατήρ καὶ πλέον ἡ πεντεκαίδεκα ἔτη ἐπεβίω. See esp. notes on Or. 45 § 27, ὅν διεφθάρκει and § 68, ἀ νεπλασταὶ.

διαίτητιν...δοτις...προσκατα
gρωσται] an arbitrator who shall actually (go so far as to) adjudicate their property to them; give a verdict of condemnation adjudging the property to them. διαλύσεις.] 'compromises,' 'settlements.'

§§ 33, 34. Now if conspiracy and paltry persecution are to win the day, my words are merely wasted; but if you detest such conduct and intend to give a just verdict on the ground that neither my father nor my servant has done any damage or wrong to the plaintiff, then I have already said enough.

16—2
ψηφίζεσθε, μήτ' ἀπολωλεκότος Καλλικλέους μηδὲν μήτ' ἤδικημένου μήθ' ύπ'o Καλλάρου μήθ' ύπ'o τοῦ 34 πατρὸς, οὖκ οἶδ' ὦ τι δεῖ πλείω λέγειν. ἦνα δ' εἶδητε ὅτι καὶ πρώτερον ἐπιβουλεύουν μου τοῖς χωρίοις τῶν ἀνεψιδὼν κατεσκεύασε, καὶ νῦν τὴν ἑτέραν αὐτῶς κατε- διτήσατο Καλλάρου ταύτην τὴν δίκην, ἐπηρεάζων ἔμοι δίοτι τῶν ἄνθρωπον περὶ πολλοῦ ποιοῦμαι, καὶ Καλλάρῳ πάλιν εἶλησεν ἑτέραν, ἀπάντων ὑμῶν αναγνώσεται τάς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

35 Μὴ οὖν πρὸς Διὸς καὶ θεῶν, δ' ἄνδρες δικασταῖ, προῆσθε με τούτοις μηδὲν ἀδικοῦντα. οὐ γὰρ τῆς ξη- μλας τοσοῦτον τι μοι μέλει, χαλεπῶν ὑπὸ πάσι τοῖς μικραίς οὐσίαιν ἔχουσιν ἀλλ' ἐκβάλλουσιν ὅλος ἐκ τοῦ δήμου με ἐλαύνοντες καὶ συκοφάντωντες. ὃτι δ' οὖκ ἀδικοῦμεν οὐδὲν, ἔτοιμοι μὲν ἦμεν ἐπιτρέπειν τοῖς εἰδόσιν, ἵνας καὶ κοινοῖς, ἐτοιμοὶ δ' ὄμνυναι τὸν νόμυμον ὅρκον ταύτα γὰρ ὀφειλεῖ εἰςχυρότατα παρα-

§ 35. Lastly, I entreat the jury not to sacrifice me to my opponents, when I have done them no wrong. It is not so much the penalty that I care for, hard though that is for a poor man to pay; but they want to turn me out of the parish by their petty persecution. To prove we were in the right, we were ready to submit to a fair arbitration, and to swear the customary oath; for we felt that that would be the strongest argument with you, gentlemen, who are yourselves upon your solemn oath. 35. χαλεπῶν δ' ὧν τὸ ἡμιμούσθαι. Hard though it falls on those whose property is but small.

ἐλαύνοντες καὶ συκοφάντωντες] by their persecution and petty litigation.

ἔτοιμοι μὲν...ἔτοιμοι δὲ.] § 20 ἔβλαψε μὲν...ἔβλαψε δὲ.

τοῖς εἰδόσιν...τοῖς ἵνας καὶ κοινοῖς.] 'impartial, fair and unbiased persons, acquainted with the facts.' § 9 τοῖς εἰδόσι...τοῖς ἵνας τὸν νόμυμον ὅρκον.] The defendant appears to have offered to take an oath in the ἀντωμοσία at the ἄνακροσις, or preliminary examination. Such an oath might be taken by either of the parties, with a view to decide the cause, or some particular point in dispute. But it was only taken by the consent of the adversary, upon a challenge
π. 1251.]

ΠΕΡΙ ΧΩΡΙΟΤ.

σχέσθαι τοῖς αὐτοῖς ὑμῖν ὀμωμοκόσιν. καὶ μοι λαβὲ
tὴν τε πρόκλησιν καὶ τὰς ὑπολοίπους ἐτὶ μαρτυρίας.

ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑ.

given and accepted (C. R. K. in
Dict. Antiq.). Cf. Or. 54 § 40,
ὑπὲρποι ὑμῶν ταῦτα. Aristot.
Rhet. i. 15 §§ 27—33.

τὰς αὐτοῖς ὑμῖν ὀμωμοκόσιν.] 'to
you who are yourselves on oath'

'Dobree.

τὰς αὐτοῖς ὑμῖν ὀμωμοκόσιν.] 'to
vos judicibus qui et ipsi

'vobis ius dicibus qui et ipsi
inrastis.' Seager Classical Jour-
nal 1825, no. 61 p. 69.
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N.B. The first figure refers to the number of the Speech, the second to the Section.

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