The University of Cambridge
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to aid in replacing the loss caused by the Disastrous Fire of February the 14th, 1890.
SELECT PRIVATE ORATIONS
OF
DEMOSTHENES.

PART I.
SELECT PRIVATE ORATIONS
(of)
DEMOSTHENES

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

WITH
INTRODUCTIONS AND ENGLISH COMMENTARY

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IN CLASSICS TO THE UNIVERSITY OF LONDON,

WITH SUPPLEMENTARY NOTES BY

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EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.

SECOND EDITION, REVISED.

CAMBRIDGE:
AT THE UNIVERSITY PRESS.
1886
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CAMBRIDGE:
PRINTED BY C. J. CLAY, M.A. AND SONS,
AT THE UNIVERSITY PRESS.

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21/10/90
PREFACE.

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

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

¹ The Speeches against Aphobus and Onetor alone are included in Bremi's *Orationes Selectae* (1829),—and only those against Conon and Eubulides in A. Westermann's *Ausgewählte Reden des Demosthenes* (ed. 2, 1865). Mr Penrose's selection included the Speeches against Aphobus, Onetor, Zenothemis, Apaturius, Phormio, and Lacritus (1843; ed. 2, 1853).
Economy of Athens are filled with references to the *Private Orations*, which are indeed the principal sources of his information. Secondly, a mere glance at the index of the present volume will show the considerable amount of legal and political usages alluded to or discussed and (as far as space would permit) explained in these pages. In a literary point of view, and regarded as specimens of acute legal argument, of rhetorical skill, or consummate grace of style and diction, the interest of these orations can hardly be overrated. Hitherto, they have been accessible to general students only through the English Translation (a very excellent one) and Dissertations by the late Charles Rann Kennedy, or through the *variorum* notes of G. H. Schaefer. We have endeavoured to bring together all the references of importance in Boeckh’s great work, the Public Economy¹, and have so compiled in a brief form all the necessary explanations of the text from various sources,

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

Most of the earlier orations of Demosthenes, besides others of the principal and longest of the speeches, e.g. *De Corona*, *De Falsa Legatione*, *Contra Aristocratem*, are almost entirely historical, and therefore come under quite a different branch of study from the legal points which are so numerous and so curiously brought out in the *Private Orations*. Others, as the *Midias*, the *Leptines*, the *Androtion*, and the *Timocrates*¹, equally well known and perhaps as much read in the schools, are rich in illustrations of Attic law, and as examples of Attic oratory and composition they can hardly be surpassed. But there are countless details of domestic life dispersed throughout the *Private Orations*, such as could hardly enter into the great public questions of the policy of Philip and his opponents and partisans. What Aristophanes is to the private life of the Athenians half a century earlier, the same for his own times is Demosthenes, whose earliest speeches are separated by an interval of some thirty years from the latest plays of the comic poet. We feel very confident, from several points of view, that the study of the *Private Orations* will be found as useful as it is interesting. It is not from dictionaries of antiquities, or from other books of reference,

¹ The two last named have been edited with very useful notes by Mr Wayte, since the publication of our former edition.
however excellent, that such questions and practices of the Attic law can be fully understood. They must be studied in their bearing on actual life, and in their connexion with real causes that have come before the Attic courts.

It may be added, that there can be no better introduction to the study of English law than the speeches of the Attic orators. These, indeed, cannot be fully appreciated without some general acquaintance with the principles of our own legal practice. And perhaps some at least of those students who have laid a good foundation on a knowledge of the Greek Orators gained at School and College, will not rest satisfied without acquiring some further knowledge of Roman and English jurisprudence, even if legal practice is not their object in life. "Of what use," asks Mr Kennedy¹, "can it be to an English gentleman to cram his head with the terms of Attic process, when he is utterly ignorant of that of his own country? It is only by some acquaintance with the latter that he is competent to understand the former."

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

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

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

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

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

F. A. P.

J. E. S.

*October, 1886.*
DESCRIPTION OF ILLUSTRATIVE COINS.


On the obverse is a head of Athene, of archaic style, looking to the right. On the reverse is the legend Α for Ἀθήναιων, a form of spelling retained on the coins of Athens long after Ἡ had come into use. In the centre, under an arch formed of two sprigs of olive, is an owl, facing to the front and with wings closed (Ar. Aves 1106, γλαίκες ύμας οὐσοτ’ ἐπιλεύσωσι Δαυρεωτικαί). Photographed from a cast of the specimen (ΠΙ 29) in the selection from Leake’s Greek Coins exhibited in the Fitzwilliam Museum, Cambridge. Weight 33 grains (Leake’s *Numismata Hellenica, European Greece*, p. 25). Cf. Mr B. V. Head’s *British Museum Guide to the Coins of the Ancients* II B 23.

2. Copper coin of Peparethus, one of the northern Sporades, N. of Euboea. On the reverse is a diota, with tendril and grapes hanging from the mouth of the vase on either side. In the field to the right and left in two lines is the legend ΠΕΓΑ. [On the obverse, not given here, a head of Dionysus, crowned with ivy, to right.] From the Leake Collection, *Numismata Hellenica*, Insular Greece, p. 30. The types on both sides of the coin allude to the wine of the island, or (more strictly speaking) to Dionysus, its patron-god, and thus illustrate Or. 35 § 35, εἰς τῶν πῶντων ὁ οἶνος εἰσάγεται ἐκ Πεπαρήθου καὶ Κῶ καὶ Θάσιος καὶ Μενδάιος. Its vines are referred to in Soph. Philoct. 548 τὴν εὐζωτρυν Πεπαρηθον, and in Heraclides Ponticus, Allegoriae Politicae, 13 αὖτη ἡ νῆσος εὐοινός ἐστι (cf. Plin. N. H. 14 § 76). It has been identified with the island now named Σκοπέλος (Bursian, *Geogr.* II 387), the chief produce of which is a light and pleasant red wine, which the inhabitants export to the Black Sea, as in the days of Demosthenes (Murray’s *Greece* 1884, II 597).
ILLUSTRATIVE COINS.

3. **Silver Tetradrachm of Mende,** on the peninsula of Pallene. **Reverse:** ΜΕΝΔΑΙΟΝ surrounding a linear square, in which is a vine with four bunches of grapes, all in a shallow incuse square. **[Obverse, not given here, Dionysus reclining on the back of an ass.]** From an electrotype in the Leake Collection, *Num. Hell.,* European Greece, p. 73. For a specimen on which the vine is on a larger scale, see *British Museum Guide II* b 9. The celebrity of its wine is attested by the writers cited by Athenaeus, I 29 d, e; IV 129 d øǐνων...Θασίων καὶ Μενδαίων καὶ Δεσβίων, VIII 364 d (Menander) Μενδαίων, Θασίων, and XI 784 c. Alciphron III 2 describes an Athenian supper including στάμμα τοῦ Μενδησίου, νέκταρος εἶποι τις ἄν, πεπληρωμένα, and Eubulus (ap. Athen. i 23 a) makes a toper swear μᾶ Δία Μενδαίων (Leake *l.c*.). Or. 35 § 35 øίνως...Μενδαιός.

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

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

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

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

J. E. S.

** For a Table of Attic Money see Part ii p. xviii.
EXPLANATION OF THE SYMBOLS USED IN THIS EDITION IN RECORDING VARIOUS READINGS.

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

Ζ stands for the Zürich text of Demosthenes as printed by J. G. Baiter and H. Sauppe in their excellent edition of the Oratores Attici, in one volume (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 critical notes to the present volume. When Dindorf differs from the Zürich editors, he generally agrees with Bekker. When a note begins with Bekk., it is meant that Dindorf's text is supported by Bekker's Berlin and Leipzig editions: then, after a slight space, follows the reading of the Zürich editors (Z) with the mss supporting it, introduced by the word cum.

The mss thus quoted by the Zürich editors are as follows:

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

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

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

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

A1. Augustanus primus, formerly at Augsburg (Augusta Vindelicorum), now at Munich (No. 485), on parchment, paene quadratus; of century XI (according to Dindorf), or XII (according to the Zürich editors).

B. Bavarius, now at Munich (No. 85), on cotton-paper ('bombycinus'), forma maxima; of century XIII.

γρ. A contraction for γράφεται, used in the mss themselves to introduce the marginal citation of a various reading.

J. E. S.

CORRIGENDUM.

On p. 67, note on διαπεύων, for 'An overlooker' read 'As overlooker.'
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ΠΡΟΣ ΦΟΡΜΙΩΝΑ ΠΕΡΙ ΔΑΝΕΙΟΥ.

This oration, like those against Zenothemis, Lacritus, and Dionysodorus, is on the subject of bottomry, or a loan of money made on sea-securities, i.e. either a ship or a cargo or both, and either for the outer voyage only or the return-voyage also, as agreed upon. These transactions were very numerous at Athens, and chiefly on account of the trade in corn. The risk was great, and therefore the interest demanded was large, the lender in fact charging a rate that would cover insurance besides leaving a good profit for the use of the money.

The case in this oration is quite simple. Chrysippus lent Phormio, a merchant or trader, 20 minae (about £85) for a voyage to the Cimmerian Bosporus and back (§ 6). The contract required Phormio, when he had sold his cargo of goods at the mart there, to take on board a return-cargo, from the profits of which, or of both, he was to repay the loan with interest at Athens. But being unable to sell his wares in the Bosporus, he desired the skipper,

1 The student will do well to read carefully the ninth chapter, Book I of Boeckh's 'Public Economy,' on the Foreign Trade of Attica, and also the twenty-third of the same Book, on Loans upon Bottomry. [Cf. K. F. Hermann, Lehrbuch der Grie-
chischen Privatalterthümer § 49, notes 5 to 8 = p. 459 ed. Blüm-
ner; and Büchsenschütz, Besitz und Erwerb, pp. 486—490. S.]
Lampis, to sail back to Athens without him, promising that he would soon follow. It so happened that Lampis' ship was wrecked; and though Phormio, having no goods on board, was not in any way a loser by the accident, he evaded his liability by falling back on a clause in the contract, which exempted him from payment if his goods on the return-voyage should be lost at sea. It is on this point that the action turns. Chrysippus gives evidence that Phormio never thought of disputing his liability at first, on his return to Athens, but trumped up the excuse at a subsequent time in collusion with Lampis.

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

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

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

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

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

ΥΠΟΘΕΣΙΣ.

Φορμίων ἐμπορος δανείζεται παρὰ Χρυσίππου μνῆς 905 εἰκοσὶ πλέων εἰς Βόσπορον. ἀφικόμενος δὲ ἐκείσε κατέλαβεν ἀπρασίαν τῶν φορτίων ὃν ἐκόμιζε. διόπερ τοῦ ναυκλήρου Λάμπιδος ἀποπλεῖν βουλομένου 'Αθη-

πρὸς Φορμίωνα περὶ δανείου] The speech is quoted under the same title in Pollux ix 45, ἐν τῷ πρὸς Φορμίωνα περὶ δανείου. Harpocratius, however, in explaining the use of ἐπεθηκαμεν in § 28, s.v. ἐπιθέτους ἐστάσ, gives the fuller and more accurate title ύπερ Χρυσίππου πρὸς τὴν Φορμίωνος παραγραφήν, which is also found at the end of the speech in the Paris ms, and at the beginning in the Augustanus primus. Harpocr. s.v. ἐφέκτος τόκος, quoted on § 23, has the shorter title ἐν τῷ ὑπερ Χρυσίππου. S.]

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

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

4. ναυκλήρου] 'The skipper.' The word seems properly to mean one who has a share or interest in a ship; a part-owner, or one who has hired it for a time (Phot. in v.), Hesych, explains it by ὃ δεσπότης τοῦ πλοίου. Lampis, however, was only a slave (§ 5), and perhaps was representing his master.[Cf. Lach. crit. § 33 (μαρτυρίαι) ὅ 'Ιβλησιος ἐ-

nauklērēi...κοινωνεῖν δὲ καὶ αὐτὸν τῆς νεὼς Ἰβλησίω, καὶ συμ-

πλεῖν εαυτοῦ οἰκέται ἐν τῇ νη. Arnold Schaefer, Demosthenes und seine Zeit (iii 2. 305), quotes Bekker's Anecdota, p. 282, ναύκληρος σημαίνει μὲν καὶ τὸν τῆς νεὼς κύριον, σημαίνει δὲ καὶ τὸν ἐπιπλεόντα αὐτὴν ἐφ' ὧ τὰ ναύλα λαμβάνει. S.]
5 νάζε, καὶ κελεύοντος αὐτῶν ἐνθέσθαι τῇ νη ἣ τὰ ἁγοράσματα τῶν χρημάτων τῶν παρὰ Χρυσίππου (τοῦτο γὰρ ἐφραζεν ἡ συγγραφή) οὐτε φόρτων τινα ἐνέθετο οὔτε ἀργύρων, ἀλλ' ἐφ' ἐπὶ πρὸς τὸν Λάμπιν ἀδυνάτως ἔχειν ἐν τῷ παρόντι ποιῆσαι ταῦτα, μικρὸν ὅ ὑστερον το  ἐφ' ἐτέρας ἐκπλεύσεσθαι α' νεῶς ἁμα τοῖς χρήμασιν. ἡ μὲν οὖν τοῦ Λάμπιδος ναῦς ἀναχθεῖσα διαφθείρεται, καὶ μετ' ὀλγών ὁ Λάμπις ἐν τῷ λέμβῳ σώζεται, καὶ ἀφικόμενοι Ἀθήναζε μηνύει Χρυσίππῳ τὸ εὐτύχημα τοῦ Формίωνος, ὡς ἀπελείφθη τε ἐν τῷ Βοσπόρῳ καὶ 15 εἰς τὴν ναῦν οὔδεν ἐνέθετο. ὁ δὲ Формίων, καταπλεύσας ὑστερον καὶ τὸ ἀργύριον ἀπαιτούμενος, τὸ μὲν πρῶτον, ὡς ἐφ' Χρύσιππος, καὶ ὀφείλειν ὁμολόγησαν καὶ ἀποδώσεις ὑπηρεσύνετο, ἐπειτα ὡς ἀποδεδωκὼς Λάμπιδι μηδέν ὀφείλειν ἐλεγε' τὴν γὰρ συγγραφήν 20 κελεύει πᾶθον τι κατὰ θάλασσα τῆς νεῶς ἀπηλλάξαι τοῦ ὀφλήματος τὸν Формίωνα: ἡλαχευ ὁν ὄνδικην αὐτῷ ὁ Χρύσιππος. ὁ δὲ παρεγράψατο. καὶ

α ἐκπλευσεῖσθαι Ζ.

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

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


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

22. παρεγράψατο] Phormio put in a demurrer or bar to the suit, trying to show there was no ground for action at all, as he had abided by the terms of the contract.
23. *parà tō diáithēs*] Lampis had given false testimony when the case was brought before the arbitrator, Theodotus, § 18, for he had been bribed by Phormio to say anything to get him off. It appears from § 18 that a witness was not likely to be prosecuted for *φεύγομαρτυρία* given before an arbitrator.

27. *ἐντέθεικεν*] This perfect is one of the middle-Attic forms. It occurs first in Eur. El. 7, ἤπθη-λῶν δὲ ἐπὶ νηών τέθεικε σκίλα πλείστα βαρβάρων, with which compare παρείκειν, the perfect of παρῄμα, in Hel. 1059. ἀφείκοτα occurs Or. 37 § 1. For the (generally) medial use of τέθει-κεν see inf. § 16.

28. *ἐξέστηκεν*] That he was out of his sober senses—not himself, as we say. [οὐκ ἐντὸς ὅπως αὐτῶν, §§ 20, 35, 49. Eur. Bacch. 359, μέμνησα ἡδον τρία πρὸν ἐξεστῆσις φρένων. S.]

29. *ἐκείνα*] 'that other account.'

30. *μηδὲν ἀποφημάμενος*] 'Without delivering judgment.'

In classical Greek, of course, οὐδὲν would be required. Cf. ὅτι μὴ inf. 44—πέπομφε, a rather rare perfect (Thuc. vii 12). Perhaps πέπομφει, or ἔπεσόμφει, 'had sent.' Otherwise we should expect the aorist. In this late Greek the Latin usage, which has one tense only for aorist and perfect, *misit*, is perhaps incorrectly followed. Cf. Or. 39, Arg. 18. See Winer’s Grammar, p. 136 ed. Moulton.

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

33. *ἐπισημαίνεται*] 'Remarks;' another late usage—κατ’ ἀρχὰς, see § 4—τὸ λέγειν, the saying a man has done all the contract required him to do is no ground at all for pleading that the action
cannot be brought. That, he says, is the plea of one who is defendant in an ordinary trial, and rebuts a charge brought against him; not the plea of one who wants to show that there is no case against him at all. A παραγραφή, in fact, turned solely on the inadmissibility of a suit, e.g. on the ground that it belonged to another court or different jurisdiction. He quotes as a case of this in the next sentence, that contracts not made at or for a voyage to Athens could not be brought before an Athenian court.

43. τετήρηταί 'The same peculiarity is observed here as in the speech against Neaera, viz. that it is not spoken by one party only; but whereas there the division is plain, here it is confused and obscure: it appears to me however' (i.e. to the grammarian Libanius) 'that the second speech begins at ἀκόουσας, &c. (§ 21). Anyhow, it is clear that they are partners who bring this action against Phormio.'

p. 907. §§ 1, 2. The proeme, or introduction. Chrysippus begins by showing that he and his partner are reasonable men,
who can bear a loss if it is a just and unavoidable one, and not suitor, or lovers of law.

• in our turn,' and at a disadvantage, because they had been abused and misrepresented in every way. Phormio, the party accused, in pleading a demurrer, had the first speech; consequently the actual plaintiffs, Chrysippus and partner, speak after him. This is the meaning of κατηγορεῖν τοῖς διώκοντος in § 4. See Or. 45 § 6. Kennedy renders it, 'as we take our turns of addressing you,'—apparently referring it to the two partners speaking in succession. But this appears a less likely meaning; and the rendering in question was disapproved by Shilleto.

• Unprofessional as far as the art of speaking is concerned. [Cf. Isocr. Paneg. § 11, τῶν λόγων τοῖς ὑπὲρ τοὺς ἱδίωτας ἔχοντι καὶ λιαν ἀπηκριζομένους, and ib. § 44 n. S.]

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

• A general term for any kind of contract or mutual compact, besides those of money-loans or commerce. Plat. Soph. p. 225 c, τοῦ ἀντιλογικοῦ ὅσον περί τὰ ξυμβόλαια ἀμφισβητεῖται. Eur. Ion 411, ἀ τε νῦν συμβολαὶ πρόσθεν ἢ ἐς παῖδα τὸν σὸν, μετατέσσερι βέλτιόνα. See Or. 37 § 49, and 33 § 3, ὅσα εἰμι καὶ τοῦτο ἐγένετο συμβολαία.

2. οὔτ' ἂν —οὐκ, κ.τ.λ.] In this sentence the οὐκ is superfluously repeated after the οὔτε, by a not very common idiom. We might have expected καὶ νῦν—οὐκ ἂν ποτε ἐλάχομεν κ.τ.λ., but the negative sentence is continued, οὐδέμιαν πώποτε δίκην ἐισήλθομεν, οὔ[ τ' ἂν νῦν—ἐλάχομεν, and the second οὐκ is added before the verb in order to carry the favourite combination οὐκ ἂν, the simple verb ἐλάχομεν being too far removed from the preceding οὔτ' ἂν νῦν. Compare Mid. p. 557, § 129, οὔτ' εἰ τοῦ παρ' ἀμφότερος ἡμῶν ὑδαρ υπάρξῃ,—οὐκ ἂν εξαρκέσθησεν. Aesch. Agam. 1612 (1684 Dind.), οὐκ οὐ'/ (τίς οὐκ) ἐπεδώκε τῶν' ἐμφύλευσας μάρον, δράσα τὸδ' ἑργον οὖκ ἔτλης υποτοκὸν. Other examples occur in Soph. Ant. 6, Trach. 158 and 1014, Phil. 416, and
perhaps the difficult lines Oed. Tyr. 328—9 may be explained (reading ταύτι ώς ἄν εἴπης, ‘however you may speak of my conduct’) by the repetition of μὴ immediately before the verb. Not unlike this is Or. 37 § 59, οὔδε γε αν ὁ παθὼν αὐτὸς ἀφή—ουδέν τῶν λοιπῶν συγγενῶν ἐξευθεῖαν ἐπεζεύγαν. There is another instance in Androt. p. 603, Or. 22 § 32, ἐν ταῖς διήγερσισι, οὔτω ἄν ὄσιν ἐπὶ Ἀνδροτίνων τινες αὐτοῖς ἀφείσχοντες, οὔτω έπειτε λέγειν κακῶς τοὺς άρχοντας. In other cases (Or. 37 § 16) the οὔδε placed at the beginning negatives the whole sentence. See also Mid. § 57.

κακιζόντων] ‘Taunting us with cowardice,’ i.e. with the fear of being called σκυφάντα. So Or. 54 § 5, λοιπὸν διηθέσθεντο αὐτοῖς ἐκείνων καὶ κακίστων αὐτοῖς. Mid. § 73, οἴ τον μὲν κακίειν ὀς ἐπραξε—ἐμελλον. Eur. Ion 984, οἶμοι, κακίζει.

Βοσπόρῳ] [Also called Panticaeum (Kertsch), Lacrit. § 31, the capital of the Bosporus Cimmerius. Cf. Dem. Lept. Or. 20 §§ 29—36. S.] See the note on Or. 35 § 10.

τὸ μὴ βοηθήσαι] Not to seek redress; not to do all we could to assist our own cause, by appearing in person. This is a favourite word with Demosthenes in appealing to the law or the judges.

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

καὶ γὰρ οὕτωι] ‘For even the defendants,’ i.e. Phormio and Lampis.
νόμου ἡ γενέσθαι εν τῷ ἐμπορίῳ τῷ υμετέρῳ, ἀλλ’ οὐκέτι εἶναι φασὶ πρὸς ἑαυτοῖς οὐδὲν συμβολαῖον;

908 πεποιηκέναι γὰρ οὐδὲν ἔξω τῶν ἐν τῇ συγγραφῇ γεγραμμένων. οἱ μὲν οὖν νόμοι, καθ’ οὐσὶ οὐρεῖς δικασταὶ 4 κάθησθε, οὐχ οὕτω λέγοντι, ἀλλ’ ὑπὲρ μὲν τῶν μὴ γενομένων ὅλως συμβολαίων 'Αθήνησι μηδ’ εἰς τὸ 'Αθηναίων ἐμπόριον παραγράφεσθαι δεδώκασιν, ἐάν δὲ τις γενέσθαι μὲν ὀμολογῇ, ἀμφισβητῇ δὲ ὡς πάντα πεποιήκε τὰ συγκείμενα, ἀπολογεῖσθαι κελεύουσιν εὐθυδίκιαν εἰσίνοτα, οὐ κατηγορεῖν τοῦ διώκοντος. οὐ μὴν ἀλλ’ ἔγγορε ἐλπίζω καὶ εὖ αὐτοῦ τοῦ πράγματος ἐξεῖν εἰσαγόμενον τῇ δικήν οὐσαν. σκέψασθε δ’, ὡς 5 ἀνδρεὶς 'Αθηναίοι, τί ὀμολογεῖται παρ’ αὐτῶν τούτων καὶ τί ἀντιλέγεται οὕτω γὰρ ἂν ἀριστα ἐξετάσατε. οὐκοῦν δανείσασθαι μὲν τὰ χρήματα ὀμολογοῦσι καὶ συνθῆκας ποιήσασθαι τοῦ δανείσματος, φασὶ δ’ ἀποδε- δωκέναι τὸ χρυσόν Λάμπιδι τῷ Δίονος οἰκήθῃ ἐν Βοσπόρῳ. ἡμεῖς τοῖνυ οὐ μόνον τοῦτο ἐξείμεθα, ὡς οὐκ

οὐδὲν συμβολαῖον] 'No obligation by virtue of the contract.' Hesych. συνάλλαγμα.

4. οἱ μὲν οὖν νόμοι, κ.τ.λ.] Cf. Or. 32 (Zenoth.) § 1 οἱ νόμοι κελεύοντες...τὰς δίκας εἶναι τοὺς ναυκλή-ρους καὶ τῶς ἐμπόροις τῶν Ὀδηγάζει καὶ τῶν Ἀθήνηδεν συμβολαίων, καὶ περὶ ὧν ἂν ὡσι συγγραφὰς ἀν δὲ τις παρὰ ταύτα δικάσῃ, μὴ εἰσαγόγον ἔτι τὴν δίκην. S.]

ἀμφισβητῇ] 'should plead on the other side.' Lit. 'should question the justice of the action by saying that he has done all that the contract required.'

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

οὐ μὴν ἀλλὰ, κ.τ.λ.] 'Not but that I hope'—lit. 'I do not however (dwell on this point, viz. what is the true ground of a παραγραφή), but I hope,' &c. Translate: 'Still I hope to show from the facts of the case itself that this suit of mine is one that can be tried. And now observe well what is admitted by the defendants themselves, and what is denied; for by these means you will best investigate the truth of my charges.' The sense is, that as the law does not here apply which allows a special plea on contracts not made at or for Athens, the facts of the case are such that Phormio's conduct is clearly actionable.

5. συνθῆκας ποιήσασθαί] 'They had contracts duly made to secure the loan.'


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

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

'έγω γὰρ, οὗ ἀνδρέας Ἀθηναῖος, ἐδάνεισα Φορμίωνι τοῦτῳ ἔκοσι μνᾶς ἀμφοτέροπλουν εἰς τὸν Πόντον ἐπὶ ἑτέρα ὑποθήκη, καὶ συγγραφὴν ἔθεμιν παρὰ Κιττῷ


whatever amount) were the security, and (what is nowhere expressly stated, though it seems probable) the ship itself also was pledged, the not bringing the ship back to the Peiraeus would be alluded to in § 7. Kennedy follows Seager in rendering it 'on the security of the single cargo,' i.e. the return cargo; but it does not appear how the Greek can mean this. [M. Dareste renders it: 'avec affectation sur un chargement d’une valeur double;' thereby coinciding with Mr Paley’s view, which, however, says Shilleto, 'cannot be right'. The disputed phrase should perhaps be altered into ἐπὶ ἑλευθέρα υποθήκη, 'on an unencumbered security.' Cf. Or. 35 § 21 υποτιθέεται ταῦτ’, ἑλευθέρα καὶ § 22 ἐπὶ ἑλευθέρου τοῖς χρήμασι δανείζομεν. S.] ἀμφοτέροπλους] sc. δάνειον, 'For the double voyage,' as ἑτερόπλους (§ 22) is for the single or outer voyage. See Or. 56, Διονυσ. §§ 6 and 29. It was usual in the latter case to pay the loan and interest either to a partner on the spot, under letter of advice, or to an agent who was on board during the voyage.

'ἐθέμην] 'I deposited the bond with Kittus the banker.' [Possibly son of the Kittus mentioned in the τραπεζικός of Isocr. as a servant of the noted banker Pasion. S.] It was the custom
then, as with us, to place valuable deeds in the custody of bankers. See Or. 33 § 15; 35 § 14. 

εὔθως] 'At the very outset,' before he left the harbour. — ἐπιδανείζεται, 'he raises another loan on the same security.' This was illegal, as a second mortgage would be on property already mortgaged to its full value. Or. 35 § 21, μετὰ δὲ ταῦτ' ἔστιν ἐν τῇ συγγραφῇ ὅτι ὑποπθέσαν ταῦτ' ἐλευθερα καὶ οὐδὲν οὐδὲν ὀφελοῦτες. 

Θεοδόρου] 'La traduction grecque du nom phénicien Jonathan ou Nathaniel, ou du nom carthaginois Baalitan ou Mathanélîm.' Dareste. S.]

τοῦ Φοίνικος] 'The Phoenician.' [The Phoenicians of Tyre and Sidon carried on a considerable trade with Greece (Odys. xv 415—480) and many of that mercantile people were settled in Athens. There is a decree extant granting the Sidonians resident in Athens exemption from the μετόκων and other taxes. Cf. Büchenschütz, Besitz und Erwerb im Griechischen Alterthume, pp. 443, 275, 362, and Isocr. Trapez. § 4, συστή-

σαντὸς μοι Πυθοδόρων τοῦ Φοί
νικος Παθίων, ἐχρώμην τῇ τού
tόν τραπέζῃ. S.]

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

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

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

\[
\begin{align*}
\text{2000 dr.} & = \text{20 minae} \\
\text{4500 dr.} & = \text{45 minae} \\
\text{1000 dr.} & = \text{10 minae}
\end{align*}
\]

\[
11,500 \text{ dr.} = 115 \text{ minae}
\]

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

There is some uncertainty as to how τοὺς δανειστὰς includes all the three creditors, πᾶσι, viz. Chrysippus, Theodorus, and Lampis. The whole sum borrowed was 7500 drachms, the double of which is too much, viz. 150 minae. What Phormio did do, perhaps, was to put on board goods only equal in value to the ἐπιδανεισμοὶ (5500) singly; thus leaving the original loan of 2000 (20 minae) from Chrysippus unsecured. See § 40. This is the πράγμα δευτέρατον, or the chief point of it, in § 6. "οὐ κατηγόρασεν, κ.τ.λ.] He did not buy goods of the value of more than 5500 dr.

\[\alpha \lambda\ \eta]\] [This formula is used only after an actual or an implied negative. Cf. Isocr. Paneg. § 7 n. S.] Originally, it seems to have represented ἀλλο or ἄλλα \(\eta\). Cf. Ar. Pac. 475, οὐδ' οἴδε γ' ἐλκὼν οὐδὲν ἀργεῖον τάλαι, \(\alpha \lambda\ \eta\) κατεγέλων τῶν ταλαιπωρομένων, \(\sigma\nu\)] i.e. including the provisions for the crew, which should have been paid for in addition.

\[\text{ὀφείλει}\] He owes 7500 drachms to the three lenders, viz. 2000 + 4500 + 1000 = 7500 = 75 minae. \(\text{τὴν ὑποθήκην}\) It seems from p. 922, § 50, that the penalty of death attached to the not producing or handing over the security. In this case, either the ship might have been made over to Chrysippus, or double the value of his loan put on board. Phormio did neither, as
all the goods on board only covered the value of the ἐπιδανειμοῖον.

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

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

ἄσ ἐδωκα] 'Which I had given him to deliver to a servant of mine who was wintering there, and a certain partner.' It might seem doubtful whether παῖδι means 'son' or 'slave,' but we have ὤστε τῶν παίδων τὸ ἡμέτερον ὤστε τῶν κοινωνῶν § 28, Λάμπιδι τῷ Δίωνος οἴκητη § 5, and μετά τῶν ἄλλων παίδων τῶν Δίωνος inf. § 10.

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

ἐπειδὰν, κ.τ.λ.] 'As soon as
ever the goods were (shall have been) unloaded, that he should take stock (inventory) of them and keep close to him, viz, lest he should give him the slip. This use of ἐξετάζεων is idiom. See Ar. Eccl. 728, ἐγὼ δ', ὦ εἰς ἀγοράν γε τὰ σκευή φέρω, προχειρωύμαι καὶ καδέσαμο τὴν ὀνύσιαν. Kennedy’s rendering ‘to inspect’ does not fully give the sense.

καταλαβὼν] ‘Finding business in the Bosporus bad, through the war that had broken out between Paerisades and the Scythian (king), and great difficulty in selling the goods he had brought.’ Paerisades is mentioned infra. § 36 as an ally and friend of Athens. He is identical with a king of that name who is said by Diodorus Siculus (xvi ch. 52 fn.) to have reigned in Pontus Ol. 107. 4 (e.c. 349); ἀμα δὲ τοῦτος πράττομενος ἐν τῷ Πόντῳ Σπάρτακος ὁ τοῦ Πόντου βασιλεὺς ἐπελεύσθη σε ἀρξας ἐτή πέντε, τὴν δ’ ἴσχυναν διαδεξάμενος ὁ ἀδελφὸς Παρυσάδης ἐβασιλεύεσθε ἐτή τριάκοντα ὀκτώ. Again, in lib. xx ch. 22 and 24 we have mention of Παρυσάδης ὁ βασιλεὺς τοῦ Κυμμερικοῦ Βοσπόρου, e.c. 310, and of a grandson of the same name, ὁ παῖς ὁ Σατύρου Παρυσάδης. Strabo (vii 4 § 4) speaks of Leuco, Satyrus, and Paerisades as μόναρχοι of Panticaeum, and says the last had divine honours paid to him. He mentions a Παρυσάδης ὁ ὅποιος who gave up his kingdom to Mithridates. The Paerisades of the text is different from the Paerisades, or Βηρισάδης (Or. 23, contr. Aristoc. p. 623, §§ 8—10), who succeeded Cotys, king of Thrace, e.c. 358. Like many eastern appellatives, the word perhaps was not so much a proper name as a title of dignity.

[Paerisades, king of Bosporus (e.c. 348—310), is the Birisides of Dimarchus in Dem. § 43 (compare infra. § 36 n.), but is different from Birisades, king of Thrace, who, as may be seen from Dim. Aristoc. § 10, was already dead in e.c. 352. Penrose has apparently confounded them. For the king of Thrace, cf. Strabo vii fragm. 48, Ὄδρυσας δὲ καλὸν ἐνοι πάντας τὸς ἀπὸ Ἑλληνομακρον και Κυψέλων μέχρι Ὄδροσου τῆς παραλίας (sc. Odessa) ύπεροικοῦτας, ὃν ἐβασιλεύεσθε Ἀμαδόκος καὶ Κερμοβλητῆς καὶ Βηρισάδης καὶ Σεβόδης καὶ Κότυς.—For a dissertation on the Kings of Bosporus, see Clinton, Fasti Hellenici ii, Appendix, chap. 13, and cf. Grote, chap. 98. S.]

of δανεισταὶ] viz. Theodorus
and Lampis. — καὶ γὰρ, i.e. they also, besides the other demands on him to ship a cargo for Athens.


οτὲ οὐκ ἂν δύνατο, κ.τ.λ.] His actual words would be, οὐκ ἂν δύναμη, μὴ διαστεθέμενος τὰ φορτία.


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

§ 10. Lampis sails while Phormio is left behind. But the ship, being over-freighted, is lost, with some of the crew, and Lampis is picked up in the boat. Evidence is given that Phormio was con-gratulated for not having any goods on board.
μὲν ἐν τῷ Βοσσόρῳ κατελέευσαν, ὁ δὲ Λάμπις ἀναχθεὶς ἐναναύγησεν οὐ μακράν ἀπὸ τοῦ ἐμποριοῦ γεγεμισμένης γὰρ ἤδη τῆς νεώς, ὡς ἀκούσας, μᾶλλον τοῦ δέοντος, προσανελάβεν ἐπὶ τὸ κατάστρωμα χιλίας βύρας, θεν καὶ η διαφορὰ τῇ νυν συνεβή, καὶ οὗτός μὲν ἀπεσώθη ἐν τῷ λέμβῳ μετὰ τῶν ἄλλων παιδῶν τῶν Δίωνος, ἀπῴλεσε δὲ πλέον ἣ τριάκοντα σώματα χωρὶς τῶν ἄλλων. πολλοὶ δὲ πένθους ἐν τῷ Βοσσόρῳ ὤντος, ὡς ἐπιθυμοῦ τῇ διαφορᾷ τῆς νεώς, ἑυδαιμονίζον τὸν Φορμίωνα πάντες τούτοι ὅτι οὔτε συνανήχθη

m 'Optime Dindorfius restituuit' Cobet, Nov. Lect. 582. κατελεπτο Ζ cum Σ. n τοῦ Ζ cum Σ.

ἄναχθεὶς Cf. note on Or. 53 (Nicostr.) § 3, ἀνηγμα. γεγεμισμένης κ.τ.λ.] 'The ship had already been overloaded when Lampis took on deck besides 1000 hides, which was the real cause of the wreck.' Hides are very heavy; and the deck-load would so alter the centre of gravity as to make the ship very unmanageable in a heavy sea. [For the Βόσσορα of Bosporus, cf. Lacrit. § 34 (μάρτυρ) δέρματα ἀγέεα and Strabo xi 3, p. 498, Τάναις κτίσμα τῶν τῶν Βόσσορον ἑξόντων Ἑλλήνων...ἐμπόριον κοινόν τῶν τε Ἀσιανῶν καὶ τῶν Εὐρωπαίων νομάδων καὶ τῶν ἐκ τοῦ Βοσσόρου τῆς Λυκῆ (Sea of Azov) πλεοῦσαν τῶν μὲν ἀνδράποδα ἀγόντων καὶ δέρματα...τῶν δὲ ἐσθητὰ καὶ ὀπίων...αὐτοφορτιζομένων. S.]

 λέμβῳ Hesychius has λήμβων ἐν σκαφώ, ἢ ἐν πλοιαρίῳ. παιδῶν] 'slaves.' See on § 8. Lampis himself was Δίωνος οἰκετης, § 5. τριάκοντα of the Paris ed. of 1570 is much more plausible than the manuscript reading τριακόσια (found in Σ and other mss), which could only be explained on the supposition that it was a slave-ship, bringing Ὁρᾶκες or Σκύθαι to Athens (cf. Strabo, supr.). Whether σώματα means 'slaves' or merely 'hands,' i.e. crew, is uncertain; but the former is more probable, as half-a-dozen men would easily work such a ship. [One ms the August, primus has the interpolation πλεῖστον ἦ διακόσια σώματα ἐλευθέρα, which is accepted by Reiske, but rightly rejected by Bekker and the Zürich editors. In later Greek, the use of σώματα for 'slaves' became common, e.g. Revelation xviii 13; Atticists like Pollux (iii 78) protested against this usage, σώματα ἀπλῶς οὐκ ἄν εἴποι ἅλλα δοῦλα σώματα. Cf. Dem. Lept. p. 480 § 77, αἴχυμαλώσα σώματα. In Plut. Leg. p. 908 λ σώματα is used of any kind of men, slaves or free, indiscriminately. S.]— χωρὶς τῶν ἄλλων, 'besides his cargo.' πένθους] 'mourning,' the regular meaning of this word.
oút' ènètheto eis tñv nàvin óuðén. ñuvèβawaive ðè para
tè tòv ãlllòw kai para toútov ó aútòs lògos. kai
moi ìnàγwotì taútàs tàs màrturìas.

ΜΑΡΤΤΡΙΑI.

Αütvòs mêv toùnn ò Æámptw, ò ñhèwv ìpòdedòwke- 11
vai tò xæusión (toùtw γàp prosèxete tòù vòù), pròs-
elòntòs aútò ëmuù, ëteiðì tàxìsta kàtèpìæuøun èk
tìs nàvagìas 'Àbhìnaže, kai èròtwòntòs úpèr tòùtòw,
èlægev òtì ouò tà xéìmatà ènòuìto eis tìn nàvìn òûtòs
kata tìn svìggraφìv, ouò tò xæusión eìllìförò ëìì
pàr' aútòv ò èn Bòsptòrfò tòte. kai moi ìnàγwotì tìn
màrturìan tòùn paraγevoòmènov.

ΜΑΡΤΤΡΙA.

911 'Epèiðì toùnn, ò ìnvòpì 'Àbhìnaìoi, èpèdìmìse 12
Fòrmìwv óùtòswì sèswòsmènov èf' ètèræs ñwòs, pròòjìwv
ò para òtòvì tì.

kai para òtòvì] i.e. Phormio
was heard to congratulate him-
selt. With ñuvèβawì we might
supply genèvà, but perhaps the
sense is rather ‘coincided.’

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

èk tìs v.] Either ‘from’ or
‘after’ the wreck.

ènòuìto] Compounds of tìde-
svà, but not the simple verb,
often assume this form of the
uncontracted optative, though
mss commonly present the
other form ènòvèto, èpìvèto ðè.
Many examples of both are
given by Veitch, Irreg. Gk.
Verbs, p. 636-7. mss generally
vary in the forms pròòuìto, prò-
òuìto, pròeínìto and similar com-
pounds of èsòaì.

òdtì tò xæusión] The change
of subject might have been more
clearly expressed by oútì aútòs
tò xæusión k.t.t.l.

tòùn paraγevoòmènov] Of those
present at the interview between
me and Lampis at Athens.

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

pròòjìwv] Like ìdèwv and ìv,
this word takes the v even in
the first person in the middle
and later Attic. The older forms
were pròòjìa, ìdè, ì, as forms

2—2
αὐτῷ ἀπαίτητον τὸ δάνειον. καὶ οὖτος κατὰ μὲν ἀρχαῖος ὀψεπώποτ', ὃ ἀνδρεσ' Ἀθηναῖοι, εἰπὲ τὸν λόγον τούτον ὅν νυνι λέγει, ἀλλ' ἂεὶ ὁμολόγει ἀποδόσειν ἐπεὶ δ' ἀνεκοινώσατο τοὺς ὑνὶ παροῦσιν αὐτῷ καὶ συνδικοῦσιν,

13 ἔτερος ἦδη ἦν καὶ οὖν οὗτος. ὡς δ' ἔσθόμην αὐτὸν διακρούμενον με, προσέρχομαι τῷ Λάμπιδι, λέγων ὅτι οὐδὲν ποιεῖ τῶν δικαίων Φορμίων οὐδ' ἀποδίδοσιν τὸ δάνειον, καὶ ἅμα ἥρομην αὐτὸν εἰ εἰδείη ὅπου ἔστιν, ὅποια προσκαλεσαίμην αὐτὸν. ὡ δ' ἀκολουθεῖν μ' ἐκέλευεν ἔαντο, καὶ καταλαμβάνομεν πρὸς τοὺς μυροπωλείους τοιούτου. Κάγω κλητήρας ἐχων προσκαλεσά-

14 μην αὐτῶν. καὶ ὁ Λάμππις, ὃ ἀνδρεσ' Ἀθηναῖοι, παρῴν

like τετύφνοι seem to be older than ἐτυφάειν, &c. Thus κεχήνη is the first person of the pluperfect in Ar. Ach. 10. [Plato Apol. 31 ε. πάλαι ἀν ἀπολόλην καὶ οὗτ' ἀν ὑμᾶς ὑφελήκη Κ.Τ.Λ. Elucidations of Curtius' Gk. Gr. § 283. S.]

ἴν νυνι λέγει] viz. that he paid Lampis.—ἀνεκουσότατο, 'when he had entered into a secret understanding.'

συνδικοῦσιν] συνδίκους ὦσιν, advocates for the defence. Perhaps we should read συναδικοῦσιν, meaning Lampis in particular. Cf. §§ 28 and 46, Λάμππιδος τοῦ συναδικοῦστον—παρεἻναι, adesse is often used of friends and advocates, e.g. Mid. § 182.

13. προσέρχομαι] Cf. προσελθόντος in § 11, which was the first, this being the second interview.—τῷ Λάμππιδ, 'this Lampis,' said with some contempt.

ὁ δὲ] 'Accordingly he, Lampis, bade me go with him, and we find the defendant at the shops for perfumery.' See Hesych. quoted on § 9, τῶν

µῶτον. [The shops of the perfumers, like those of the barbers and the cobblers, were favourite places of lounge at Athens, cf. Lysias Or. 24 § 20, ἐκατοσ λαρ ὑμῶν εἴθισται προσφοτᾶν ὁ μέν πρὸς µυροπωλεῖον, ὁ δὲ πρὸς κούρειον, ὁ δὲ πρὸς σκυτοσκομίουν. S.]

§§ 14, 15. Though Lampis was present when I served Phormio with a summons, he never said, as he would have done had the story been true, that Phormio had already paid the money to him. A negative argument ἐκ τῶν εἰκότων, as the rhetoricians called it. It was not likely that Lampis would be silent. 'Between τεκμήρια and εἰκότα there is strictly this difference: the former are the evidentiary facts, the latter the results which are obtained by combining such facts together and reasoning upon them.' Kennedy, Append. vi to Vol. iv of Demosth. p. 369. So Or. 30 § 10, δῆλον δὲ καὶ ἐκ τῶν εἰκότων ὧν τοῖς ἐνεχ' δὴν εἰρήκα φιλελευν εἰλοντο.
προσκαλοὺμένῳ μοι οὐδαμοῦ ἐτὸλμησέν εἰπεῖν ὡς ἀπείληθε παρα διότου τὸ χρυσίον, οὐδ’ ὁ εἰκὸς ἦν εἰπεῖ, "Χρύσιππε, μαίνει τί τούτων προσκαλεῖ; ἐμοὶ γὰρ ἀποδέδωκε τὸ χρυσίον." ἀλλὰ μὴ ὅτι ὁ Λάμπης ἐφθέγξατο, ἀλλ’ οὐδ’ αὐτὸς οὗτος ἦζεσεν εἰπεῖν, παρεστηκότος τοῦ Λάμπιδος, οὐ νῦν φησιν ἀποδεδωκέναι τὸ χρυσίον. καίτοι εἰκὸς ἦν αὐτὸν εἰπεῖν, ὁ ἄνδρες 15 Ἀθηναίοι, "τί με προσκαλεῖ, ἄνθρωπε; ἀποδέδωκα γὰρ τούτῳ τῷ παρεστηκότι τὸ χρυσίον," καὶ ἁμα ὅμολογοῦντα παρέχειν τὸν Λάμπιν νῦν δ’ οὔδετερος αὐτῶν οὐδ’ ὅτι οὐδὲν εἶπεν ἐν τοιούτῳ καιρῷ. καὶ ὅτι ἀληθῆ λέγω, λαβέ μοι τὴν μαρτυρίαν τῶν κλητήρων.!

ΜΑΡΙΤΡΙΑΙ.

912 Λαβή δὴ μοι καὶ τὸ ἐγκλημα τὸ ἐλαχὸν αὐτῷ πέρυ- 16 σιν’ ὁ ἐστιν οὐδείς ἐλαττὸν τεκμηρίουν ὅτι οὐδέτω τότ’ ἐφησε Φορμίων ἀποδεδωκέναι τὸ χρυσίον Λάμπιδι.

ΕΓΚΛΗΜΑ.

Τούτω τὸ ἐγκλημα ἐλαχὸν ἐγὼ, ὁ ἄνδρες Ἀθηναίοι,

7 μὴ ὅτι Λάμπης οὐκ ἐφθέγξατο Ζ. 8 κλητήρων Ζ.
10 οὐδὲπώτοτ’ Ζ.

μὴ ὅτι] Both this and οὖχ ὅτι are used in the sense of non modo or non modo non. In the former case there is an ellipse of λέγεω, in the latter, of λέγω. Translate, 'Not only did Lampis not utter a word, but not even Phormio himself thought fit to say he had paid it, though Lampis was actually standing by, to whom he now says he paid the money.' Cf. Or. 56 § 30. eikos ἦν] Lit. ‘it was reasonable for him to have said.’ Hence in such expressions as δικαίων ἦν, ἐχρήν, &c., the Greeks never use ἦν, as some might expect, deceived by the difference of our idiom, ‘it would have been natural for him to say,’ &c. [See Goodwin’s Gk. Moods and Tenses, § 49, 2, p. 97—100, ed. 3. S.]

15. παρέχειν] To have brought him forward at the time, viz. as a ground for withdrawing the summons.

§§ 16, 17. Another proof of Phormio’s falsehood is, that in moving for a demurrer to a suit I brought against him last year, he never pleaded payment. And yet the sole ground of my action was the report of Lampis that he had not paid, or put any goods on board.
In the middle sense, as is usual with the passive perfect of τίθεσθαι and its compounds. [Infr. § 34, ὃς ἐντεθείμενος. The perfect passive of τίθημι and its compounds is almost invariably borrowed from κείμαι, e.g. Plat. Leg. 793 b, (νόμων) τῶν ἐν γράμμασι τεθέντων τε καὶ κειμένων (νότ τεθείμενων) καὶ τῶν ἐν τεθησομένων. Isocr. ad Dem. § 36 n. S.]

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

[ἀπόπληκτον, κ.τ.λ., noted by Blass η 519 as a peculiar expression, finds its parallel in the Meidias § 143, οὐκ ὡς ἐξελεγχθεῖσθαι.

17. παραγραφήν διδόναι] A notable synonym of παραγράφεσθαι. οὐκ ἐτόλμησαν] This would have been the ordinary defence in a euthyckia, and was not a true ground for a παραγραφή (§ 4), but it would have been an argument, if they could have pleaded it, in favour of the court granting a bar to the suit. καὶ ταῦτα] ‘And that too when I had expressly written in the charge against him, which you have just heard read, that he had neither put the goods on board nor paid the money.’ If he could have given so direct
At this point the Zürich editors (and A. Schaefer) mark a break in the speech. "Alterum actorem hinc nobis videri incipere lineola significavimus (cf. § 20)."

an answer to so direct a charge, he would have done so; not indeed as in itself sufficient as a bar to the suit (see supra on the argument), but as an additional reason why it need not be tried.

τηλικάτην] tam graven.

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

ἐπιτρέψαι] See note on Or. 54 § 26.

ἰσοτελεῖ] A privileged sojourner (denizen), i.e. a μέτοκος who paid equal taxes with

an ἄστος, and no more. They were specially exempted from the tax called μετοίκων. See F. A. Wolf, Pref. to Leptines (p. 27, Beaton), who remarks that this passage shows they were not wholly excluded from holding offices, as had been generally supposed. He appears to think they could even sit as dicasts. There is some depreciation of the position in § 44.

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

μερισάμενοι] Compare ἐπεὶ ἄν-εκουσάτο, § 12.

19. ὃμοιο—καί] 'The same as it is to do so before an arbitrator.' It does not seem certain from this passage whether a man could not be prosecuted for perjury before an arbitrator. It may mean, that in practice it was seldom done, and so the risk was not great.
' Αθηναίοι, εἰς τὰ ύμέτερα πρόσωπα ἐμβλέποντα τὰ ψευδή μαρτυρεῖν καὶ πρὸς διαίτητα παρ’ ύμιν μὲν γὰρ καὶ ὀργὴν μεγάλην καὶ τιμωρία ὑπόκειται τοὺς τὰ ψευδή μαρτυροῦσιν, πρὸς δὲ τῷ διαίτητα ἀκινδύνως καὶ ἀναισχύντως μαρτυροῦσιν ὅ τι ἄν βούλονται, 20 ἀγανακτούντος δὲ μου § καὶ σχετλιάζοντος, ὃ ἄνδρες Ἀθηναίοι, ἐπὶ τῇ τόλμῃ τοῦ Λάμπιδος, καὶ παρεχομένου πρὸς τὸν διαίτητα τὴν αὕτην μαρτυρίαν ἦν περιπλανοῦσαν καὶ νῦν πρὸς ύμᾶς παρέχομαι, τῶν εὖ ἀρχῆς προσελθόντων αὐτῷ μεθ’ ἡμῶν, ὅτε οὔτε τὸ χρυσίον ἐφή ἀπειληφέναι παρὰ τοῦτον οὔτε τὰ χρήματ’ αὐτῶν ἐνθέσθαι εἰς τὴν ναῦν, οὔτως ὁ Λάμπις κατὰ κράτος 2 εξελεγχόμενος τὰ ψευδή μαρτυρῶν καὶ πονηρὸς ὁν ὁμολόγησε, μὲν εἰρηκέναι ταῦτα πρὸς τοῦτον, οὐ μὲν τοι ὑπόκειται] 'Is in store.'

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

κατὰ κράτος] luculent et invicta (Reiske). Being convicted, in a way that he could not evade, of telling falsehoods.—κατὰ κράτος is probably not found elsewhere with ἐξελεγχούσθαι, which is usually coupled with adverbs such as περιβολὴν or (more commonly) φανερῶς. S.] ——πονηρός, 'a fellow without principle,' i.e. preferring κέρδος to τὸ ὄλικον.

πρὸς τοῦτον] There is some difficulty in this, first, as to taking it with ὁμολογῆς or with εἰρηκέναι, secondly, as to the person meant. It can hardly mean, as G. H. Schaefer, Voemel and Kennedy take it, the arbitrator Theodotus; it may mean Phormio, the defendant, if construed with εἰρηκέναι, but then we must assume that Phormio was also present at the interview, which is not stated in § 11. Or, possibly, if the δευτερολογία, or second partner's speech, commences at § 21, πρὸς τοῦτον may mean the other partner. The sense would then be, 'Lampis admitted he had told my partner here (anonymous) that Phormio had not paid him.' But
this supposition is not without difficulty. [M. Dareste takes it of Chrysippus, whose brother, he considers, is now speaking. S.]

§ 21. That the second speech begins here seems probable from οὗτος in § 23, which appears to mean Chrysippus. If we could fix the division at any paragraph before, then the τούτων just discussed might equally mean Chrysippus. [G. H. Schaefer and Voemel think the second speech begins at § 22, εἰς αὐτοῦ δὴ τοῦ πράγματος. This seems not unlikely, as the second speaker would naturally commence with a brief summary of the facts that had been brought forward. The Zürich editors and Arnold Schaefer (Dem. u. s. Zeit III 2. 305) consider the second speech to begin at § 18, μελλοῦσις δὲ τῆς δικής. The latter view is followed by M. Dareste. Nitsche, dissert, de traciciendis partibus in Dem. or. Berlin, 1863 (quoted by Blass III 519), assigns §§ 1—17, 30—31, 34—52, to Chrysippus; and §§ 18—29, 32—33, to his brother. S.]

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

§ 22. Now ask yourselves how he could have paid the money to Lampis. He left Athens without sufficient goods as a security, and additionally in debt to other lenders. At the Bosphorus the market was so dull, that he could hardly pay those who had lent him for the outer voyage only.
μὲν γὰρ ἐξέπλει οὐκ ἐνθέμενος εἰς τὴν ναῦν τὰ χρή 914 ματα καὶ ὑποθήκην οὐκ ἔχων, ἀλλা ἐπὶ τοὺς ἐμοῖς χρήμασιν ἐπιδανεισάμενος· ἐν Βοστόρω δ' ἀπρασίαν τῶν φορτίων κατέλαβε, καὶ τοὺς τὰ ἐτερόπλοια δανεὶς 23 σαντάς μόλις ἀπήλλαξεν. καὶ οὕτως μὲν ἐδάνεισεν αὐτῷ δισχιλίας δραχμάς ἀμφοτέροπλουν, ὡς τ' ἀπολαβεῖν Ἀθήνης δισχιλίας ἕξακοσίας δραχμάς· Φορμίῳ δὲ φησιν ἀποδοῦναι Δάμπιδι ἐν Βοστόρῳ ἐκατόν καὶ ἐκκοσί στατήρας Κυζικηνοὺς (τούτῳ γὰρ προσέ-

οὐκ ἐνθέμενος] It is clear that the goods worth 5500 drachms in § 7 were purchased with the ἐπιδανεισάμενος, and did not cover the loan of Chrysippus. See sup. on § 6.

ἀπήλλαξεν] See note on Or. 36 § 25.

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

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

——ὡστε, ‘on condition of receiving at Athens 2600 drachms.’ The interest therefore was very large, but so also was the risk considerable.

στατήρας] A Cyzicene stater was a gold coin (with a female head on one side and a lion’s head on the other) worth about one guinea, an Attic drachma being taken at a tride less than ten-pence. A high rate of exchange is here adopted to make as large a total as possible. According to the ordinary rate, a stater was equivalent to 20 drachms only. Hesych. Κυτ-

κενικοὶ στατήρες• διεβεβόιντο ὡς εἰς κεχαραγμένοι. πρόσωπον δὲ ἦν γυναικὸς ὁ τύπος.

[“Demosthenes (Or. 34 § 23) speaking of this money informs us that its current value was 28 Attic drachmae. The weight of the Cyzicene stater is uniformly about 248 grains. As the Attic and Macedonian staters which weighed 133 grains were equivalent to 20 Attic drachmae, while the Cyzicene, weighing 248 grains, passed for no more than 28, it is evident that the silver alloy of the electrum of which these pieces are made was deducted and considered of no value, not being in fact worth the cost of extraction. Mr Burgo estimates the alloy of ancient electrum at about ⅝. Then as 133 is to 20, so is ⅝ of 248 or 186 to 28, exactly the equivalent in drachmae of the Cyzicene stater as given by Demosthenes.” Leake’s Numismata Hellenica (Asiatic Greece), p. 50. An electroyte from the specimen in the British Museum may be seen in Leake’s Collection at the Fitzwilliam Museum, Cambridge, Div. π 21, and there are two genuine ones in Trin. Coll. Library. Their types vary, some-
times the head of a bull or lion, generally with a tunny-fish below; sometimes the head of Proserpine. See Plate of Coins. Cf. Hesych. quoted above, and Boeckh's Publ. Econ. bk. i, chap. v, pp. 36—38 (ed. Lamb). S.]

\[\text{daneisamenois}] 'By borrowing it (at the Bosporus) on the interest paid for loans on land,' i.e. on real security. This being \(\text{efektos},\) i.e. a sixth part added to the sum lent (e.g. £70 for £60, or somewhat more than 16 per cent.), makes up the following sums; 120 staters = 3360 dr. = 33 min. 60 dr., which + interest at \(\frac{1}{2}\) or 560 amounts to 3920 dr. = 39 min. 20 dr.

\[\text{efektoj} ] \text{Harpocr. s. v. \text{efektoj tıkos:}} \ \text{éplo \ týr \ ōktyro \ kefálaios \ Δημοσθένης \ ev \ ýpër Xrōnippou.}

\[\text{édunato \ èkei} \] This shows that the value of money differed, as with us, in different places. [Cf. Xenoph. de Vectig. iii 2, καὶ οἱ ἀργύριων εξάγοντες (ἐκ τῶν Ἀθηναίων) καλὴ ἐμπορίαν εξάγοντες. δὲν γὰρ ἔν πολλῶν αὐτὸ πανταχοῦ τοῦ ἀρχαίων λαμβάνοντι. K. F. Hermann, Griech. Privatalterthümer, § 47, 17 = p. 451 ed. Blümner. S.]

24. \(\text{tósos kai tósos}\) 'Comes to so much, namely thirty-nine minas twenty drachms, which he does not here specify, because it is mentioned immediately after.' Penrose. Kennedy translates, 'and the whole sum is the amount of the two;' which is the literal sense. [Cf. Or. 57 § 29, ἢ τόσα καὶ τόσα: Hesych. ἢ τοσαίτα. S.]

25. \(\text{ánti dixhliw}\), κ.τ.λ.] Instead of the sum he really owed. —τριάκοντα κ.τ.λ., the sum he pretended to have paid in staters, not including the interest. (He here expresses it not as 33 minae, but as 30 minae 300 drachmae, &c.)
μνάς καὶ τριακοσίας καὶ ἐξήκοντα ἀποτίνειν προελετ' ἂν, καὶ τόκον πεντακοσίας δραχμάς καὶ ἐξήκοντα δανεισάμενος, ὡς φησιν ἀποδεδωκέναι Φορμίων Δάμπτιδι, τρισχιλίας ἐννακοσίας εἴκοσι; ἐξόν δ' αὐτῷ ἀμφοτέροπλου Ἀθήνησιν ἀποδοθακε τὸ ἀργύριον, ἐν Βοστόρῳ ἀπέδωκε, τρισὶ καὶ δέκα μναῖς 26 πλέον; καὶ τοὺς μὲν τὰ ἐτερόπλοα δανείσασι μόλις τάρχαια ἀποδέδωκας, οὐ συνέπλευσαν σοι καὶ προσήδρευν τοῦτῳ δὲ τῷ μὴ παρόντι οὐ μένον τάρχαια

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

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


τῷ μὴ παρόντι] Logically, τῷ οὗ παρόντι is more correct; but there is a tendency to say ὃ μὴ παρὼν, because the formula generally refers to some indefinite person. Conversely, in Eur. Suppl. 227, θεὸς τοῦ τοῦ νοσοῦντος πήμασι διώλεσε τὸν οὗ νοσοῦντα, we might have looked...
for τον μή, yet here there is a kind of attraction to what next follows, κοιτίδεν ἵδικηκότα. See on Or. 37 § 28, ἐμοι τῷ μή παρόντι, and ibid. § 25, and 37.

p. 915. καὶ τὰ ἐπιτίμια] He appears to call the 1320 drachms overpaid ‘the penalty,’ not in serious earnest, since it was not likely the sums would agree exactly. Phormio had incurred the penalty by not putting the goods on board as security; but no necessity was laid on him at the time for paying it. The amount mentioned in § 33 as a penalty for not shipping the goods according to the contract, is 5000 drachms, the risk being greater if there was no cargo.

27. κάκεινοι] The lenders of the money on the ἐτερόπλους agreement.

οὐκ ἐδεδείεμοι] Phormio had paid these (at least the ἀρχαῖον, though not perhaps the interest, § 26), but μολίς, perhaps after being ‘dunned’ and threatened. Cf. Or. 37 § 38, καὶ ταύτ’ ἀπειλη-φότι γυλίσχως καὶ μόλις παρὰ τούτων. The sense is, ‘it was more likely that you would have been afraid of them, than that you would have had such special care for Chrysippus, whom you had wronged before you left the harbour.’—πράξεως, the right to enforce payment, by seizing your goods.

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

28. καὶ οἱ μὲν ἄλλοι] ‘Most people, who borrow for the outward voyage, on leaving their places of business, take care to have plenty of witnesses present, and call on them to attest that the lender is risking his money on the voyage just going to commence (ῆδη). And yet you rely (lit. lean) on a single witness, and that too one who has taken part in the wrong (Lampis); you did not make my slave nor my partner witnesses
πάντες οἱ τὰ ἐτερόπλοα δανειζόμενοι, ὅταν ἀποστέλλονται ἐκ τῶν ἐμπορίων, πολλοὺς παρίστανται, ἐπιμαρτυρόμενοι ὅτι τὰ χρήματα ἤδη κινδυνεύεται τῷ δανείσαντι· σὺ δὲ ἐν σκήπτει μάρτυρι αὐτῷ τῷ συναδικόντι, καὶ οὔτε τὸν παῖδα τὸν ἥμετερον παρέλαβες ἐν Βοσπόρῳ οὔτα οὔτε τὸν κοινωνόν, οὔτε τὰς ἐπιστολὰς ἀπέδωκας αὐτοῖς, ἃς ἥμεις ἐπεθήκαμεν, εἰς αἰς ἐγέραττο παρακολουθεῖν σοι, ὅποι ἂν πράττῃς; 29 καὶ τοῦ οὗκ ἂν πράξειν ὁ τοιοῦτος, ὅστες γράμματα λαβὼν μὴ ἀποδέδωκεν ὀρθῶς καὶ δικαίως; ἢ πώς οὐ φανερῶν ἐστὶν χώρῳ τὸν κοινωνόν ἢ ἄρα ἄρα ἠπράτητον; καῖτοι, ὃ γῆ καὶ θεῇ, προσήκε γε τοσοῦτο χρυσίον ἀποδίδοντα, καὶ πλέον τοῦ δανείσματος, περιβόητον ποιεῖν ἐν τῷ ἐμπορίῳ, καὶ παρακαλεῖν πάντας ἀνθρώπους, πρῶτον δὲ τὸν παῖδα τοῦ τοιοῦτο καὶ τοῦ κοινωνόν ἱστε γὰρ ὑπὸ πάντας ὅτι δανείζονται μὲν μετ' ὀλίγων μαρτύρων, ὅταν δ' ἀμφοτέρωπολα Bekk. 1824.

of the payment in the Bosporus, nor deliver the letters to them with which we charged you, and in which a written order had been given that they were to follow you closely in whatever matter you might happen to be engaged.'—τὸν παῖδα τὸν ἥμετερον, called τὸν τοιοῦτο in § 29, see sup. § 4.

ἐπιστολὰς...ἐπεθήκαμεν] Harpocr. s.v. ἐπιθέτους ἐφόσος...Λέγειν γὰρ ἦν εἰδισμένου ἐπεθήκεν ἐπιστολήν αὐτὶ τοῦ παρέδωκεν, οὕς Δημοθενῆς ἐν τῷ ὑπὲρ Χρυσίππου πρὸς τὴν Φορμίνον παραγραφὴν. Ιδ. s.v. ἀντεπιστήσεως: αὐτὶ τοῦ ἀντεπιστήλλει Ἰσαίας ἐν τῷ πρὸς Καλλιπίδην. S.; § 30. Continued irony: 'Surely, when he was paying back so large a sum of money, and even more than he had borrowed, he ought to have had it talked about on the Mart, and to have invited all men to witness the act, but above all the servant and partner of Chrysippus' (sup. § 8).

προσήκε γε] Irony: 'Surely, 28—31
πολλοὺς παρίστανται μάρτυρες, ὥς ἐπὶ εἰναὶ περὶ τὰ συμβόλαια. σοὶ δὲ ἀποδεδόντι τὸ τὸ δάνειον καὶ τοὺς τόκους ἀμφιτέρους, ἑτεροπλόῳ τῷ ἄργυρῳ κεχρημένῳ, καὶ προστίθησαν ἑτέρας τρεῖς καὶ δέκα μνᾶς, πῶς οὐχὶ πολλοὺς ἤν παραληπτέον μάρτυρας; καὶ εἰ τοῦτ’ ἐπραξας, οὐδὲ ἂν εἰς σοῦ μᾶλλον τῶν πλεοντῶν ἑθαυμάζετο. σὺ δ’ ἀντὶ 31 τοῦ πολλοὺς μάρτυρας τούτων ποιεῖσθαι πάντας ἀνθρώπους λανθάνειν ἐπειροῦ, ὡσπερ ἄδικῶν τι. καὶ εἰ μὲν ἐμοὶ τῷ δανείσαντι ἀπεδίδους, οὐδὲν ἐδεί μαρτύρων’ τὴν γὰρ συγγραφήν ἀνελόμενος ἀπηλλάξο ἂν

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

καὶ εἰ τοῦτ’ κ.τ.λ.] 'And, if you had acted so,' viz. had secured many witnesses, 'no one of the trading merchants would have been more looked up to (for honesty) than you.' The indefinite πλεῖν and οἱ πλέοντες for 'trading' and 'traders' is to be noticed. So Ar. Pax 341, ἰδὼ γὰρ ἐξεταίρως τὸν τίνι πλεῖν, μένειν, οἶκοι καθείδειν. Plat. Gorg. p. 467 d, οἱ πλέοντες τε καὶ τὸν ἄλλον χρηματισμὸν χρηματιζόμενον. Dem. Or. 37 § 54, ὡστε δὲ ἐγράφασθαι μὲν ὅσπερ ἐγὼ πλέων καὶ κινουμένων.

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

ἐμοὶ] 'To me in person,' not to an agent, and for me. In that case, he says, you would have got the bond cancelled, and so have been rid of the liability at once. 'But, paying as you say you did, to an agent, at a distance, when the contract was with me and not with Lampis, and when the risk of a voyage was at hand, it seems that you never asked any one to be your witness; either slave or free.' It does not appear from all this that a witness of the payment to an agent was legally necessary. A receipt of some kind would have been enough, probably. But Phormio appears to have thought that his bare assertion would be accepted by the court.

ἀνελόμενος] Lit. 'taking up (or 'getting back,' Mr Mayor p. 242) the bond deposited against you.' Kennedy translates, 'you would have taken up the agreement and got rid of the obligation. The active in the sense of 'destroying,' 'cancelling,' occurs in § 33, καὶ τοῦτ’ ἀνηρικὸς αὐτός. In Or. 48 § 46, we read ἐχρῆν
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And Or. 33 § 12, ἐναντίον πολλῶν μαρτυρῶν τάς συγγραφὰς ἀνελθο-
μεθα. 32. τῷ παυκλήρῳ] There seems to have been a clause in the
bond to the effect that, if Phormio should be detained in the Bosporus, he should pay
the money to the skipper; or, as Kennedy suggests, that he should have the option of so
paying it if he did not choose to ship the goods.

οὖτε] The partners here present. This is certainly obscure. The speech commences in the
plural, δίκαια δεσπόμεθα, &c., but in § 6 Chrysippus speaks for himself, ἐγὼ γὰρ, κτ.λ.,
and in § 21 the other partner, who is supposed to be still addressing the court. It should
seem therefore that several were concerned in the loan to Phormio; for no account is here
taken of the ἐπιστολαί σου. Again, the δόο συγγραφὰς is obscure. Penrose thinks it only means
that two copies were made. It

is evidently spoken of as an additional security; and perhaps it means that each of the
principal partners had his own bond against Phormio.

ὡς ἂν, κτ.λ.] Supply ὀφθαλμευν. So Mid. p. 519 § 14, καὶ θῦρμον
cαὶ κρότον τοιοῦτον ὡς ἂν ἐπαι-

νοῦτε τε καὶ συγκαλέσειες ἐποιή-
σατε. Thuc. 1 33, ὡς ἂν μά-
λιστα μετ’ ἀειμνήσατον μαρτυρίου
tῆν χάρων καταθήκεσαι (καταθείσαι
and καταθήκεσαι are mistakes re-
sulting from ignorance of the idiom).

mony. A forcible and idiomatic collocation (like πολ-
λα πολλωίς, πᾶσι πάντωσ, &c.);
oftener found in such con-
texts than the simple μόνος.

[As an instance of the former we have De Cor. p. 273, 1 τῷ
υπὸ τῶν πολεμίων πεμφθείτι μό-
νος μόνῳ συνει, of the latter Fals.
Leg. p. 430, 22, οὐδαμοῦ μόνου
ἐνυπογχάνειν Φλίππων which Cobet
(Variae Lectiones, p. 112) would alter
into μόνους μόνω. Mr Shil-
leto however quotes passages
from the poets which do not
admit of such alteration, e.g.
Ar. Pax 660, ἡ δ᾽ ἀλλὰ πρὸς σὲ
συμκρόν εἰπάτω μόνον (v. Journ. of Class. and Sacred Philol. vol. 4, p. 310). S.]—κατὰ σοῦ, i.e. ἀλλ' οὖ κατὰ Δάμπιδος.—πρὸς τούτον, with Chrysippus.

§§ 33—5. Phormio pleads, as a bar to the suit, that the payment was conditional, and not binding on him if the ship should be wrecked. The reply is, that this non-payment is again conditional on the goods being put on board, which was not done. Therefore the actual wreck is no release from liability.

σωθείσης τῆς νεῶς] Emphatic, as the condition of ἀποδοῦναι. Or. 32 Zenothem. § 5, οὖσων τῶν συγγραφῶν ὄσπερ εἰσώθησιν ἀπαίτα, σωθείσης τῆς νεῶς ἀποδοῦναι τὰ χρήματα. Or. 56 Dionysid. § 31.—καὶ γὰρ, κ.τ.λ. 'very true; for it bids you,' &c.—πεντακακχλίας, a very heavy ἐπιτίμων (§ 26), and nearly double the amount due with interest (2600 dr., § 23). Kennedy thinks this was the penalty to which Phormio was bound, in case he neither shipped the goods at Bosporus nor paid the stipulated sum to Lampis. This he accounts for by the increased risk incurred by the lenders through the doubtful responsibility of Lampis, who though he resided at Athens was a foreigner by extraction.—Hesychius: ἀγοράσματ' ἐνια.

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

P. S. D.
The contract ordered him to put the goods on board, which he did once pretend to have done, only, knowing that he was sure to be detected, he changed his story and pretended that he paid the amount to Lampis in gold. Penrose.—"аρμηθεν ετι, he thought to rely on," he had recourse to.

The harbourmasters, who had to see that no vessel cleared out without paying duty. Cf. § 7.

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

A support to his plea; σκηφτω, πρόφασιν. [For this rare metaphorical use of εφόδιον, cf. Hyperides Eux. col. xxxi 15, εφόδιον εαυτῷ εἰς τὸν ἀγώνα τὸ ἐκείνης ὅνομα παραφέρων. S.]

'ελλιμενισταῖς] 'The harbourmasters,' who had to see that no vessel cleared out without paying duty. Cf. § 7.

μεταβαλλόμενος, κ.τ.λ.] 'Then he changes his tack, conspires with Lampis to defraud me, and says he paid him in money.' Both words are emphatic; 'he no longer says he put the goods on board, but that he placed the amount in his hands to give to Chrysippus.'
The conduct of Phormio has been such that the public have been wronged as well as himself. He has fraudulently availed himself of the remission of the corn-duty to convey corn from the Pontus to Macedonia.

§ 36. The usual construction with this passive perfect (or aorist). It is a very common use with Demosthenes.

κήρυγμα γάρ—ἐξάγειν] In the speech against the law of Leptines for abolishing ἀτέλεια, or exemption from taxes and burdensome duties in reward for important services to the state, Demosthenes dwells at length on the benefits conferred on Athens by Leucon king of Bosporus, who had himself received this ἀτέλεια with the citizenship, and had signally assisted the Athenian importation of the corn of the Euxine by exempting from tolls all vessels bound for Athens, and by giving public notice that they should be freighted before all others. (Lept. p. 466 § 31, τὸν Λεόχωνα τοὺς ἀγώνις Ἀθήνας ἀτέλειαν δεδοκέναι καὶ κρύττειν πρῶτοις γεμίζονται τοὺς ως ἡμᾶς πλέοντας.) Leucon after reigning from 393 to 353 B.C. was succeeded by his son Spartacus, who after a short reign was succeeded in 348 B.C. by his son Paerisades who in the present passage is described as granting a privilege to the Athenian corn-trade (ἀτέλη τῶν σιτῶν ἐξάγειν) similar to that which had been granted by his grandfather Leucon. It appears that, by a proposal of Demosthenes, a bronze statue was set up in his honour in the market-place of Athens (Deinarchus i 43 p. 95). His reign ended in 310 B.C. S.]

Παερισάδου] See § 8 n.

ἐπιδήμων, κ.τ.λ.] 'Lampis happening then to be in the Bosporus, took to exporting corn, and got the remission of duty in the name of the state.
And so he loaded a large ship with corn, but took it to Acanthus (in Chalcidice) and there disposed of it, having entered into a partnership with Phormio, and that though the money they traded with was mine.' He regards it as an aggravation of the offence, that the money of an Athenian citizen was used for a contraband transaction.—See Boeckh, P. Econ. p. 85 (ed. 2 of trans. by G. C. Lewis [= p. 118 of Lamb’s trans. of ed. 2].

ελαβε] This verb is adapted to τὴν ἀτέλειαν rather than to τὴν ἔξαγωγὴν. In Lept. p. 466 § 31 the orator remarks that Athens depended more than any other state on its importation of corn, πλείστῳ τῶν πάντων ἀνθρώπων ἥμεις ἐπεισάκατο σῖτῳ χρώμεθα.

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

οὐσία, κ.τ.λ.] The definition of an ἀστεῖον seems to be the having an οίκον (i.e. not merely an οἰκία, but a family) resident in Attica. Perhaps, however, the mere residence was pressed by the law, οἰκών Ἀθηναῖων, since of course a citizen did not cease to be so by residing anywhere for a time. τῶν νῦν—ἐμπόρων] Cf. Or. 35 § 50, Lycurgus adv. Leocratem 27, οἱ ὑμετέροι νῦν τὰς ἐσχάτας τιμωρίας ὅριζοντοι, εἵν τις Ἀθηναίων ἀλλοσέ ποι ἁπτηγησειν ἕις τὸ Ἀττικὸν ἐμπόριον, ἑτε δὲ ἐν τούτῳ καίρῳ ἐν δ ὕμων οἱ μὲν ἐν τῷ ἀστεῖ οἰκονύτες διεμε-
The Odeum [of Pericles] was a music school or minor theatre, lying just to the east of the great theatre under the Acropolis, and sometimes (Ar. Vesp. 1109) used as a law court, and the present passage shows that it was made generally useful. [Or. 59 § 52 λαχύντω δίκην σιτόν εἰς ωθείον and Pollux viii 53. Cf. Bekker's Anecd. 317 ωθείον θεατρον Αθηναίων, δ' ηπούσις Περικλῆς εἰς τὸ ἐπεδεικνυθαν τὸν μονοκοιτών ὑπὸ καὶ δικαστήριον ἡν σιτόν καὶ ἀλόφιτα διεμετρήτο ἐκεί. S.]

The μακρὰ στοὰ seems to have been a cornstore. It is mentioned in Ar. Ach. 548, as in a state of activity during preparation for war, στοὰς στεναχοῦσας, σιτίων μετροὺσαι. [Schol. τῆς λεγομένης ἀλόφιτοπολίδος ἑν ψυχοδομήσει Περικλῆς ὅπου καὶ σιτῖον ἐπέκειτο τῆς πόλεως. ἦν δὲ περὶ τὸν Πειραιά. Leake (Athens, i p. 382) appears to distinguish between the μακρὰ στοὰ of the Peiraeus and the στ. ἀλόφιτοπολίς or meal-bazaar. See Thuc. viii 90 § 6, and cf. Pausan. i 1 § 3 (of the Peiraeus) ἔστι δὲ τῆς στοῶς τῆς μακρᾶς ἑνδα καθεστηκεν ἀγορὰ τοῖς ἐπὶ θαλάσσης. It is clear that it was not, as Mr Penrose thought, in the city, apparently confounding it with the μακρὰ στοὰ in the quarter called Melite (Scholiast on Ar. Aves 998). There were many στοαῖ, like the porticos at Rome. See Boeckh, P. E. p. 88, = pp. 83, 121 trans. Lamb. S.]

καθ' ἡμίεκτον] a medimnus held 48 chœnices, so that 8 chœnices were a sixth, and 4 chœnices a half-sixth. Hence the joke in Ar. Nub. 615, περὶ δοῦν ὑμῖν ἤμοι, εἴ μη τετραμετρὸν ἐστίν ἡμεκτέουν.

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

οἶ γε] The same nearly as σὲτε, 'yes, us, who have,' &c. ἐξετάζετε] 'Put to the test,' as in the common phrase ἐξετάζεσθαι φίλος.
οὔδενός τούτων ἀπολελείμμεθα, ἀλλ' ὅτε μὲν εἰς Ἐνθῆςας Ἀλέξανδρος παρήει, ἐπεδόκαμεν ὑμῖν τάλαν-
39 τον ἀργυρίου, ὥστε δ' ὁ σῖτος ἐπετιμήθη πρότερον καὶ ἐγένετο ἑκκαίδεκα δραχμῶν, εἰσαγαγόντες πλείους ἡ
μυρίους μεδίμνους πυρῶν διεμετρήσαμεν ὑμῖν τῆς

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

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

Xen. Conviv. 1 § 7, ὅτε καὶ λοιπάδεα παρηλθόν, i.e. came in, or came forward to join the rest in the house. Compare the use of παρελθεῖν, Or. 39 § 16, Thuc. 1 63, and so we have ἔσω πάρεμι in Eur. Hel. 451.—The date of this event, b.c. 335, is three years before this speech, which is one of the later ones. [The allusion to the period of scarcity (b.c. 330—326) in § 37 makes it probable that the speech was not delivered until b.c. 329 or even later. I. Hermann, Einleitung. Bemerk. zu Dem. paragr. Reden.

S.] 

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

[Boeckh, P. E. iv xvii p. 758 Lamb. Theophr. Char. 6 (23) ἐν τῇ σιτιοθείᾳ...ὡς πλεῖον ἡ πέντε τάλαντα γένους αὐτῷ τά ἀνάλω-

ματα δίδοντι τοῖς ἀνδροῖς τῶν πολιτῶν, which the very same period of famine is probably alluded to. A. Schaefer, Dem. u. s. Zeit iii 269 n. S.]

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

διεμετρήσαμεν] 'We measured it out to you at the average, or usual market-price.' This, Mr Penrose remarks, is at the rate of about a guinea a quarter, (less than half our average current prices. Notice the active as distinct from the middle διαμε-

τρείσθαι.)
The hall [near the Dipylum] in which the sacred vessels, dresses, &c. were kept for the use of the Panathenaic procession. [Leake, Athens, i p. 108 n., Boeckh, Public Economy, i 121 trans. Lamb, Wordsworth's Athens and Attica xxi p. 145 ed. 1855. S.] In Androt. p. 615 § 61, the vessels and furniture themselves are called τὰ πομπεῖα.—τάστε, 'you remember.'

The evidence of inscriptions connected with the Athenian navy proves that these contributions for the purchase of corn were made shortly before 326 (Seeurkunden xiii 1 ff. referred to by Blass, Att. Ber. iii 516). S.

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

Probably to be identified with the partner of Chrysippus. Blass, Att. Ber. iii 517. S.

§ 40. 'If our characters may be tested by such proofs, we were not likely to spend so much money for the sake of gaining credit, and then to bring an unjust action against Phormio for the mere purpose of losing that credit.' Again we have the favourite rhetorical argument from the eikôta of the case. See Plat. Phaedr. p. 266 fin., and 273 b.

Our character for respectability. The καὶ here means, 'not only not gain, but) lose even what we had.'

He put on board only the goods sufficient to cover the actual value of the έτιδανευσμοί, § 7. The simple genitive is used in nearly all cases where equivalence of value is expressed. Thus τῶν ἐν Βοσπόρῳ πραθέντων apparently means that Phormio settled part of the claims with, or by the money obtained for, the goods sold. It might however be the genitive absolute, and
Moreover, Phormio was not well off at the time, and not so foolish as to pay 3900 drachms (39 minae) instead of 2600; and if he had, he certainly would have taken my slave and partner as a witness. For the sums here mentioned see § 25. The 20 drachms in addition are here omitted.

τον παιδα των έμων] In § 8, it is Chrysippus who speaks of τφ παιδι των έμω και κοινων των. If the other partner is now speaking, they must be supposed to proceed on the maxim κοινων τα των φιλων. In § 28 we have τον παιδα των ήμετερον.

πρων υπό τουτον, κ.τ.λ.] This is to be construed with μαρτυρών φαίνεται. See § 18.

42. καίτοι, κ.τ.λ.] 'I have proved (ἐπεξεῖξα, § 40) every point thus clearly; (therefore Phormio is guilty;) and yet, if he had tried to make his case out equally plainly, it would have been the best possible defence to the charge,' i.e. if the case had come on in the usual way, and he had not moved for a rule to set it aside. In fact, the defence would have been sufficient to secure an acquittal, and he need not have pleaded a bar to the suit at all. Cf. § 4, ου νόμοι—ἀπολογεῖσθαι κελεύσων εὐθυδιάκαις εἰς ἑξίσωτα, οὗ κατηγορεῖν τῶν διώκοντος, i.e. οὐ παραγράφεσθαι. The prosecutor's object, as the next sentence shows, is to object to the παραγραφή, and to show that the suit can be and ought to be brought on. He seems to say that Phormio need not have moved for the rule, nor objected to the trial, if his case for the defence had been equally good.

ὁ νόμος αυτός] The law itself is explicit, and no judge need give an opinion. [διαμαρτύρεται, lit. 'protests solemnly' (cf. ὀβστηταί),—here, by a rare metaphor, applied to 'the law.' S.]
Possibly we should read κελεύων τὰς δίκας εἶναι, κ.τ.λ. The Ionic dative in -ης is a remnant, perhaps, of an old Solonian law. If the text is right, it seems that we must supply εἰσαγώγιμον. 'The law says that mercantile actions about contracts made at Athens, or indeed anywhere else, if for the Athenian trade, shall be admissible.' Therefore, this suit is admissible, and it is no case for a παραγράφη. Or thus, perhaps: 'that the mercantile actions are those for contracts made,' &c. This would give a precise definition of ἐμπορικὰ δίκαι, in harmony with § 43.

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

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

dεινὼν γὰρ κ.τ.λ.] 'For it would be hard indeed, supposing I had been wronged in some matter relating to the voyage to Athens, that I should be able to get satisfaction from Phormio in your court; while, now the agreement between us has actually been made in your mart, these men should say that they will not be tried before you.'

He thus refers to the two preceding clauses of the law τῶν Ἀθηναῖων ἐμπόρων. The context seems to show, that either of these two conditions justifies a δίκη ἐμπορικῆ being brought. He puts the case thus: a bargain made in Athens is more under the direct cognisance and protection of the jury than one for Athens, i.e. for trading to it.
plōu toû 'Aθήναξε ἡδικοῦμην, εἶναι μοι παρ' ύμῖν τὸ δίκαιον λαβεῖν παρὰ Φορμίωνος, ἑπειδὴ δὲ τὸ συμβολαῖον ἐν τῷ ὑμετέρῳ ἐμπορίῳ γέγονε, μὴ φάσκειν 44 παρ' ύμῖν τούτους υφέξειν τὴν δίκην. καὶ ὅτε μὲν Θεοδότῳ τὴν δίαιταν ἐπετρέψαμεν, ὁμολογησαν εἶναι καθ' αὐτῶν ἐμοὶ τὴν δίκην εἰσαγώγημον' υπὶ δὲ τούναντίον λέγουσιν ὃν πρότερον αὐτοὶ συγκεκρηκασιν, ὡς δέουν παρὰ μὲν τῷ Θεοδότῳ τῷ ἴσοτελεῖ ὑποσχεῖν αὐτοὺς δίκην ἀνεύν παραγραφῆς, ἑπειδὴ δὲ εἰς τὸ Ἀθηναίων δικαστήριον εἰσερχόμεθα, μηκέτ' εἰσαγώγημον τὴν δίκην εἶναι. ἐνθυμοῦμαι δ' ἐγὼ γράφα τι ἂν ποτε εἰς τὴν παραγραφὴν ἐγραψεν, εἰ ὁ Θεοδότος ἀπέγνω τῆς δίκης, ὅπου ύμῖν γνώτος τοῦ Θεοδότου ἀπιέναι ἡμᾶς εἰς τὸ δικαστήριον οὐ ψην τὴν δίκην εἶναι εἰσαγώγημον παρ' ύμῖν, πρὸς οὕς ἐκεῖνος ἐγὼ ἀπιέναι. πάθοιμι μὲντάν τα' δεινότατα, εἰ οἱ μὲν νόμοι τῶν Ἀθηναῖσι συμβολαίων κελεύουσι τὸς δίκας εἶναι πρὸς τοὺς θεσμοθέτας, ὡμεὶς δ' ἀπογραφή τῆς δίκης ὁμωμοκότες κατὰ τοὺς νόμους ψηφιεῖσθαι.

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

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

ἀπογραφή i.e. were to acquit him by allowing the validity of the παραγραφή.

§ 46. There is the fullest proof of the borrowing, while of the payment there is only the evidence of an interested witness. Lampis has contradicted himself; but of his two statements the former, and the true one,
Τοῦ μὲν οὖν δανείσαται ἡμᾶς τὰ χρήματα αὐτῶν. Τοῦ δὲ ἀποδεδοκεναι οὐδείς ἐστι μάρτυς τοῦ Δάμπιδος τοῦ συναδικοῦντος. καὶ οὐτοὶ μὲν εἰς ἐκείνουν μόνον ἀναφέρει τὴν ἀπόδοσιν, ἐγώ δὲ εἰς τὸν Δάμπιν αὐτόν καὶ τοὺς ἀκούσαντας αὐτοῦ ὅτι οὐκ ἔφη ἀπειληφέναι τὸ χρυσίον. τούτῳ μὲν οὖν τοὺς ἐμοὺς μάρτυρας ἐξεστὶ κρίνειν, εἰ μὴ φησι τάληθη μάρτυρεν αὐτοῦς. ἐγὼ δὲ οὐκ ἔχω τὸ χρῆσομαι τοῖς τούτου μάρτυσιν, οὐκ 921 φασιν εἰδέναι τὸν Δάμπιν μαρτυροῦντα ἀπειληφέναι τὸ χρυσίον. εἰ μὲν γὰρ ἡ μαρτυρία ἡ τοῦ Δάμπιδος κατεβάλλετο ἐνταῦθ', ὦς ἄν ἐφασαν οὐτοὶ δίκαιοιν

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


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

δῆται] i.e. λέγοντος ὅτι κ.τ.λ.

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

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

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

ἐπικακηπτεσθαι] 'bring to trial for false witness.' The technical term for this particular prosecution is given just below. It is so used in Plat, Theaet. p. 145 c, but in the active, πάρτος γὰρ οὐδεὶς ἐπικακηπέτειν αὐτῷ, where Stallbaum compares ἐπισκῆπαι so used by Aeschines, adv. Timarch. p. 142. The middle occurs in Or. 48 § 45, ἐπεί οἱ οἱ ἐστὶ ταῦτ' ἀληθῆ ἡ λέγω, διὰ τὸ οὐκ ἐπικακηφάμην ἐγὼ τὸ τὸν μάρτυν τοῖς ταῦτα μαρτυροῦν; [Lysias, Or. 23 § 14, ἐπισκῆφαις δὲ τῷ μάρτυρι αὐχ ἐπεξήλθεν, Aristot. Pol. π 12 § 11, Χαρώνηδος δ' ἤδην μὲν οὐδέν ἐστι πλὴροι αἱ δίκαιοi τῶν ψευδομαρτυρίων, πρῶτος γὰρ ἐπιστήσας τῆς ἐπισκηψίν. Bentley's Phalaris, i p. 408, 9, ed. Dyce. S.]
Phormio thinks to get off free because Lampis cannot be reached; whereas, if Lampis could be prosecuted for false witness, Phormio might also have been prosecuted for collusion (κακοτεχνών), and because the false evidence was given in his favour. Kennedy translates, 'the defendant thinks fit to secure his own impunity, by leaving no pledge for the verdict which he urges you to pronounce.'

§ 47. Phormio admits that he borrowed but (falsely) says that he paid. It would be strange if, by a verdict in his favour (viz. that he is not bound to pay, and that he cannot be sued for payment), you were to stultify his assertion that he borrowed, and accept as true the very point which we dispute, viz. his having paid Lampis. 'Would it not be absurd—that you should make a nullity of what he himself confesses, and give effect to what he disputes?' Kenne-
Lampis should come forward to give evidence of that which he formerly denied, and you should refuse to give the evidence of your verdict though fully convinced of the fact; that you should not listen to Lampis when he speaks the truth, but place implicit confidence in the story which he was bribed to tell."

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

48. καὶ ὅσα] The sentence is still continued from πῶς οὐκ ἄτοπον ἄν εἶη εἰ, κ.τ.λ. Hence the optative ὑπολάβοιτε. Mr Penrose is wrong in saying 'it can hardly be tolerated.' The present μὴ χρῆσθε refers to the fact, and is usual in bi-membered sentences of this kind. Generally however (as in οὐκ ἐστή μαρτυρεῖ just above), οὐ and not μὴ is used with the primary clause, as Shilleto has shown at length in a good note on Thuc. i 121 § 7. Compare Or. 38 § 18 (p. 389), ἢ δεινὸν ἵν ἂν εἰη, εἰ τῶν μὲν εἰς ἀρχής ἀδικημάτων οὐ δίδωσιν εἰς πέντε ἐτῶν τὰς δίκας τοῖς ὁρφανοῖς οὐ νόμοι—πρὸς ὑπ τοὺς εἰς ἐκεῖνον ἡμᾶς—εἰκοστὶ νῦν ἔτει δίκην τελέσαιοι' ὑμεῖς. Lysias, Or. 30. κατὰ Νικομ. § 32, δεινὸν δὲ μοι δοκεὶ εἶναι, εἰ τοῦτον μὲν εὖς ὄντος—οὐκ ἐπεχείρησαν δεῖσαι, —ὑμᾶς δὲ—ζητήσουσιν πείθειν ὡς, κ.τ.λ. Id. Or. 31, κατὰ Φιλωνος, § 31, σχέτλων δὲ ἂν εἰη, εἰ οὗτος μὲν ἀπαντᾷ τούς πολιτας περὶ οὐδένον ἦγησατο, ὑμεῖς δὲ τοῦτον ἐναντία μὴ ἀποδοκιμάσατε. Or. 54, κατὰ Κον. § 29, εἰ δὲ ἀρ' ἤγγοςτε ταῦτα καὶ—οὐ παρεσκευάσατο ὑπὲρ τηλικοῦτον κινδύνου, κ.τ.λ. The question of οὐ or μὴ turns, of course, on the clause being regarded as stating a fact or a mere supposition or possibility. Thus here ἀτοπον εἰ ὑμεῖς οὐκ ἐστέ means, 'it is strange that you refuse to be witnesses to the non-payment.'

[tektaiynomes] Patched up, fabricated, put together. Ar. Equit. 462, ταύτῃ μᾶ τὴν Δημη- τρᾶ μ᾽ οὐκ ἔλαβαν τεκταινόμενα τὰ πράγματ᾽.

ἐκ παρασκευής] As the result of a plot.
XXXIV. ΠΡΟΣ ΦΟΡΜΙΩΝΑ

46

παρασκευής, ἀλλ’ ἐκ τῆς ἀληθείας ἔλεγε, τα δ’ ὑστερον 49 ψευδόμενον καὶ πρὸς τὸ συμφέρον αὐτῷ. ἀναμνήσθητε δ’, ὁ ἀνδρες Ἄθηναιοι, ὅτι οὐδ’ αὐτός ὁ Λάμπις ἐξαρνος ἐγένετο ὄς οὐκ εἶη ἐἰρήκως ὅτι οὐκ ἀπείληφε τὸ χρυσίον, ἀλλ’ εἰπεῖν μὲν ὡμολόγηι, οὔ μεντοι γ’ ἐντὸς οὖν αὐτοῦ εἰπεῖν. οὐκ οὖν ἀτοπον, εἰ τῆς ἐκείνου μαρτυρίας τὸ μεν πρὸς τοῦ ἀποστεροῦντος πιστῶς ἀκούσεσθε, τὸ δ’ υπὲρ τῶν ἀποστερομένων ἀπιστον ἔσται παρ’ 922 50 ὑμῖν; μηδαμῶς, ὁ ἀνδρες δικαστι. ὤμεῖς γάρ ἐστε οἱ αὐτοὶ οἱ τὸν ἐπιδεδανεισμένον ἐκ τοῦ ἐμπορίου πολλὰ χρήματα καὶ τοῖς δανεισταῖς οὐ παρασχόντα τὰς ὑποθήκας θανάτῳ ξημιώσαντες εἰςαγγελθέντα ἐν τῷ δήμῳ, καὶ ταῦτα πολίτην ύμέτερον ὑμτα καὶ πατρὸς

πρὸς τὸ συμφέρον αὐτῷ] Supply βλέπον ἔλεγε.

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

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

μηδαμῶς] sc. πιστῶς ἀκούσθη τὰ τοιαῦτα.

§ 50. You dicasts once sentenced to death a person impeached by εἰςαγγελία. The commonly accepted meaning of this term is, ‘an impeachment before the senate or the people for all extraordinary crimes committed against the state, and for which there was no special law provided.’ In an excellent and exhaustive article on εἰςαγγελία in the Journal of Philology, Vol. iv p. 74—112, by Dr Herman Hager (referred to also by Mr Wayte, in a good note on Timocr. § 63), an opinion is expressed (p. 94), which might have been fully proved by citing this passage, that ‘an eisangelia was also applicable to offences committed against the commercial laws.’ The condemnation here mentioned is one of the many proofs how little human life was valued by the Athenians when balanced against the letter of the law. There are many startling instances of this in the oration against Midias. See, for instance, § 182.

τὸν ἐπιδεδανεισμένον] In the medial sense. See sup. § 6.—οὗ παρασχόντα, § 7.

πατρὸς ἐστρατηγικότος] The Athenians had an extraordinary
regard for a στρατηγός, and his character was regarded almost as 'sacrosanct.' Hence the crime of Clytemnestra is exaggerated in Aesch. Ag. 1605, ἄνδρι στρατηγῷ τόνδ' ἐξοδευσας μόρον, compared with Eum. 434, 595, Soph. El. 1, ὥ τοῦ στρατηγάσαντος ἔν Τροία ποτὲ Ἀγαμέμνονος παλ. ibid. 694, τῷ τὸ κλεινόν Ελλάδος Ἀγαμέμνονος στρατευμ' ἀγείραντος ποτε. Timocr. p. 742 § 135, Ἀρχίνου νίος τοῦ—πολλά καὶ καλὰ πεπολυτευμένον καὶ ἑστρατηγηκότος πολλάκις.

51. τοῦς ἐυνυγχάνοντας] 'Those who have dealings with them.' Hence the later use, e.g. in Theophrastus, of ἐνευζεῖς for 'behaviour.'

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

52. προεμένους] 'Who lend on risk.'—θηρίων, a strong word, used in Or. 35 § 8, οὐδὲν ὄδει οἶος θηρίους ἐπιθηρίως. Or. 24, κατὰ Τιμοκρ. p. 745 § 148, οὐκ ἀν φθάνω τὸ πλῆθος τοιοῦτος θηρίους δουλευόν, on which Mr Wayte observes, 'the word θηρίου is freely applied by the orators in invectives.'
Demosthenes had written the speech to be delivered by another, and that he was not known at the time to have been the author of it.
OR. XXXV.

ΠΡΟΣ ΤΗΝ ΛΑΚΡΙΤΟΥ ΠΑΡΑΓΡΑΦΗΝ.

The speech against Lacritus affords another example of παραγραφή or special plea in bar of a suit. Here too, as in the preceding speech, and indeed in that next following, the pleader for the demurrer speaks first, and Androcles, the real claimant, follows, his object being to show that this is no case for a παραγραφή.

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

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

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

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

"It is stated by Androcles, the speaker, that this agreement was violated in several ways by the borrowers;
that they failed to ship the stipulated quantity of wine; that they took up a further loan upon the security given to himself and his partner; that they did not purchase a sufficient return-cargo; that, instead of entering into the regular port of Athens, they put into a creek used only by thieves or smugglers; and, when the creditors demanded their money, they and their brother Lacritus falsely represented that the vessel had been wrecked ¹.

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

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

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

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

ΥΠΟΘΕΣΙΣ.

'Ανδροκλῆς δανείσας χρήματα Άρτέμωνι Φασηλίτη τῷ γένος, ἐμπόρῳ, τελευτήσαντος ἐκείνου πρὶν ἀποδοῦναι τῷ ἀργύριον, εἰςπράττει τὸν ἀδελφὸν αὐτοῦ Λάκριτον 923 τῶν σοφιστὴν, δύο προβαλλόμενος δίκαια, ὅτι τε πα-5 ρόντος Λακρίτου καὶ ἀναδεξαμένου τῷ ἀργύριον ἐδάνεισε τῷ Ἀρτέμωνι, καὶ ὅτι κληρονόμος ἔστι τῶν Ἀρτέμωνος Λάκριτος. ὅ δὲ τῆς μὲν κληρονομίας ἀφίστασθαι φησι, παραγράφεται δὲ τὴν δίκην, λέγων μηδὲν ἑαυτῷ πρὸς 'Ανδροκλέα συμβόλαιοι εἶναι μηδὲ συγγραφὴν μηδε-10 μίαν. πάντως δὲ καὶ τὸ ἀναδεέχθαι ἐξαρνος γίνε-11 ται οὐδὲ γὰρ ἄν τοῦτο ὀμολογῶν ἡγημόνει πρὸς τὴν ἐκτισιν.

Οὐκ ὀρθῶς δὲ τινες ἐνόμισαν τὸν λόγον μὴ γνήσιον

3. Argument. εἰςπράττει,κ.τ.λ.] 'Endeavours to make his bro-34 § 3, and Or. 41 § 5, ἐως μὲν ther Lacritus pay, putting for-43 ward two pleas. (1) That he made the loan to Artemo in the presence of Lacritus and on his promise to be a guarantee. (2) That Lacritus has succeeded to his brother's property.'

8. παραγράφεται] See on 34 § 43.

ibid. μηδὲν συμβόλαιον] 'No transaction (or obligation) be-15 tween himself and Androcles, nor any written bond.' See Or.

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

13. οὐκ ὀρθῶς, κ.τ.λ.] 'Some critics have wrongly thought this speech is not genuine, deceived by some obscure indications.
eįnai, ἀμυνδροῖς ἀπατηθέντες τεκμηρίοις. τὸ μὲν γὰρ
15 τῆς φράσεως ἀνειμένου οὐκ ἀπρετεῖς ἰδιωτικῶς ἀγῶσι, τὸν δὲ Δία τὸν ἄνακτα κατὰ τὴν τοῦ προσώπου τοῦ ὑποκειμένου συνήθειαν δήλος ἐστιν ὕμνομακός, πρὸς δὲ τὴν παραγραφήν ἀσθενεστέρον ἀπηντήκε διὰ τὸ πράγμα τὸ πονηρόν.

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

[Libanius sets no high value on the above objections; but we cannot so lightly dismiss a suspicion that the style and expression do not bear the stamp of Demosthenes (e.g. οἶα ἐτοιχερὸς ἤρθη σαν ὁ στοι περὶ τὸ δανείον in § 9 and εὐθὺς ἀπ' ἀρχῆς ἀρξάμενοι in § 27; also the loose and straggling structure of §§ 3, 4 and 7). Again, the piquant wit we here find, strikes us as unlike Demosthenes. Whether he would have spoken so disparagingly of Isocrates in § 40 is difficult to decide; Benseler at any rate doubts it. The strongest objections, however, are the feebleness of the argument even in crucial points of the whole case, and the wasting of words over irrelevant details, as when (in §§ 47—49) the jurisdiction of the Eleven, the first three Archons and the Generals is described at length, simply to prove that it is no part of their business to settle mercantile matters.' For these reasons, A. Schaefer agrees with Fynes Clinton (Fasti Hellenici p 357) in thinking that the evidence preponderates against our ascribing the speech to the authorship of Demosthenes. (From Dem. u. seine Zeit iii 2 p. 291.) The same view is also taken by Blass (Attische Beredsamkeit, iii 502, 504), who is led by considerations of style to ascribe the speech to the same writer as those against Macartatus (Or. 43) and Olympiodorus (Or. 48). It is also rejected by M. Dareste, r 316. S.]

Bocckh (Pubb. Econ. Bk. i chap. xxii), in commenting at some length on this oration, expresses no doubt of its genuine

ness.

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

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

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

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

ἀφικνομένων] See Or. 34 § 1.

ἐκάστοτες] On each occasion when the courts sit to try ἐμπόρια καὶ δίκαι. Kennedy translates 'year after year.' See on § 47. αὐτῶν] 'The Phaselites alone.' Mr Penrose thinks "we must make considerable allowance for exaggeration here."

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

οὗτοι μὲν ὁνὶ τοιούτῳ εἰσιν] Or. 43 (Macart.) § 68, Or. 48 (Olymp.) § 56. These parallels
are from speeches attributed by Blass to the same author as the present speech, *Att. Ber.* iii 505. Similar instances of inartistic transition are found below in §§ 24, 35, 52. S.]


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

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

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

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

The words imply that Diophantus was well known, and all this is said to show that every reasonable precaution was taken by Androcles. [The latest certain mention we find of this Diophantus (apparently now no longer alive) is as a witness in the speech de Falsa Legatione, v.c. 343 (p. 403 § 128), and in p. 436 § 297 he is named as a man of mark, one of those who ἐπὶ καιρῶν γεγονόσιν ἵσχυοι. Melanopus, son of Diophantus, appears to have been called after his maternal uncle, the Melanopus who is attacked by Dem. in Ὀρ, 24, Timocr., §§ 125—130, and is described by Harpocration as κριστής Διοφάντου τοῦ ῥήτορος. A. Schaefer, Dem. u. s. Zeit, π. 2. 290. S.]

χρώμεθα] In trade-transactions, perhaps. So in Ὀρ, 33 § 7, χρώμενος ὁ Ἡρακλείδης τῷ τραπεζίτῃ ἔπεισα αὐτὸν ὅτε μάθη αὐτῷ τὰ χρήματα λαβώντα ἐμε ἐγγυητήν. And ibid., § 5, τούτου τοῖς ἐκ Βυζαντίου και πάνω οἰκείων χρώμας διὰ τὸ ἐνδιατρῆσαι αὐτόπληθον.] oúτου] Thrasymedes and Melanopus, not οἱ αὐθρώποι οὔτοι, the two brothers accompanied by Lacritus. For he goes on to say that Lacritus had somehow or other made acquaintance with them; and it is clearly implied that the whole affair was a swindle.

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

οὔτοι ὁ Θ.] Thrasymedes did not know what rogues the defendants were, any more than the speaker, Androcles, did. ἐπιεικεῖς] 'Respectable.'
οἰοίπερ προσεποιοῦντο καὶ ἐφασαν εἴναι, καὶ ἡγούμενος ποιήσειν αὐτοὺς πάντα ὑσαπερ ὑπισχύειτο καὶ ἀνεδέ-
χετο Δάκρυτος οὕτωσί. πλείστον δ' ἄρ' ἦν ἐφευσμένος,
καὶ οὐδὲν ἤδει οἵοις θηρίοις ἐπιλησίαξε τοῖς ἀνθρώποις
τούτων. κἀγὼ πεισθεὶς ὑπὸ τοῦ Θρασυμήδους καὶ τοῦ
ἀδελφοῦ αὐτοῦ, καὶ Δακρίτου τούτου ἀναδεχομένου
μοι πάντ' ἔσεσθαι τὰ δίκαια παρὰ τῶν ἀδελφῶν τῶν
αὐτοῦ, ἔδανείσα μετὰ ξένου τινὸς ἥμετέρου Καρυστίου
9 τριάκοντα μνᾶς ἀργυρίου. βούλομαι οὖν, ὡς ἄνδρες
δικασταί, τῆς συγγραφῆς ἀκοῦσαι ύμᾶς πρότον, καθ' ἦν ἔδανείσαμεν τα χρήματα, καὶ τῶν μαρτύρων τῶν
παραγενομένων τῷ δανείσματι ἐπείτα περὶ τῶν ἄλλων
ἐπιδείξομεν, οἷα ἐτοιχωρύχησαν οὕτω περὶ τὸ δάνειον.
λέγε τὴν συγγραφῆν, εἶτα τὰς μαρτυρίας.

ΣΤΓΡΑΦΗ d.

10 [Ἐδάνεισαν Ἀνδροκλῆς Σφήττιος καὶ Ναυσικράτης
Καρυστίος Ἀρτέμων καὶ Ἀπολλοδάρῳ Φασηλίταις
καὶ ἔπειτα Ζ.

υπισχύειτο, κ.τ.λ.] 'All that
Lacritus promised and engaged
they should do.' Hesych. ἀνε-
δέξατο' ὑπέσχετο, ὑμολόγησεν.
8. ἄρ' ἦν] 'It seems, how-
ever, that Thrasymedes was very
greatly deceived, and had no
idea what monsters he was
coming in the way of by his
acquaintance with these fel-
lows.' For θηρίοις see Or. 34
§ 52. Mr Penrose is wrong in
taking ἐπιλησίαξε transitorily,
in the sense of ἐπέλαξε (An
instance is cited in Liddell and
Scott from Xen. de Re Equest.
n 5, but πλησίαξαν is there
also intransitive.)

πεισθεῖς, κ.τ.λ.] He gives three
reasons for consenting, or ra-
ther perhaps four, since Nausi-
cles of Carystus also thought
the offer a reasonable one, and
shared in making the advance.

ἀργυρίοι] 'In cash.'

9. ἐτοιχωρύχησαν] 'How they
acted like burglars in the mat-
ter of this loan.' A strong and
invidious expression, like θηρίοις
above. Cf. Or. 54 (Conon) § 37
and Or. 45 § 30, κακοφηγήσαι
καὶ διορίζαι πράγματα.

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

The genuineness of the con-
tract here cited does not seem
to have been suspected by
Boeckh, who calls it however 'a
carelessly written instrument.'

He has given a full analysis of
it in *Publ. Econ.* Book 1 chap.

*Σκιώνυν*] The alternative
was given, probably in con-
sideration of the state of the wind
and the equal safety of the
moorings. Scione (Thuc.
iv 120, v 2, &c., Ar. Vesp. 210)
was on the south coast of the
promontory of Pallene, and
Mende a little to the west of it,
behind an elbow or headland
sheltering it from the east.

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

*τῆς ἐπ' ἀριστερά*] 'On the left
coast,' Kennedy. Rather, 'for
the voyage to the left (i.e. the
northern, to a ship sailing east-
ward) parts of the Pontus as
far as the river Borysthenes' (Dnieper).

*ἐπὶ διακοσίας* On terms of
paying 225 per 1000, i.e. 22\(\frac{1}{2}\)
per cent. (lit. 'the thousand for
two hundred and twenty-five').

*μετ' Ἀρκτοῦρον* After the
rising of Arcturus [about Sept.


20] Stormy weather was expected to set in, and the sailing season, ὥρα, was then practically at an end. So the danger of a voyage is magnified ἃμφι Πλειάδων δύων, in November, Aesch. Ag. 826. See Hes. Opp. 616—28. Virg. Georg. 1 204. Plautus, Rudens, Prolog. 69, where Arcturus says, 'increpui hibernum et ductus movi maritumos. Nam Arcturus signum omnium acerrimum; vehementer sum exoriens, quum occido, vehementior.' [Or. 50, πρὸς Πολυκλέα, § 23, συνέβη τῆς νυκτὸς ὥρα ἔτων úδωρ καὶ βροντᾶς καὶ ἀνεμον μέγαν γενέθαι, ὦ, αὐτὰς γὰρ Πλειάδων δύων οἱ χρόνοι οὕτω ἔσαν. S.]—ἐφ' Ἱερὸν, to the town so called from the temple of Ζεὺς Ὅρμων, on a promontory near the entrance to the Euxine, on the Asiatic side of the Thracian Bosporus.

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

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

ὁς πλεύσεται]' 'Which shall be conveyed,' κομψάθηκεται.

Μένδης] Harpocr. s. v. Μένδης: Διμοσθένες κατὰ Δακρίτον. μία πόλις ἐστὶ τῶν ἐν Παλλήνῃ Μένδη, ὑπὸ Ἰεροποιεῖν ψιθυμεῖν. S.]

ἐν τῇ εἰκοσίῳ] 'in the twenty-oared boat of which Hyblesius is skipper' (Or. 34 arg. 1. 4). From § 52 it appears that this man also was a native of Phaselis. The word εἰκόσων contains the root of ἐφέσσεως, and it is a curiously clipped compound. It occurs in Od. ix 322, δάσον θ' ἱατὸν νηὸς εἰκοσόροιο μελαινῆς. The vessel, Mr Penrose observes, must have been of considerable size.

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

τὰ ἐκ, κ.τ.λ.] 'The goods put on board in Pontus as a return cargo.' The idiom is the same as in the well-known οἱ ἐκ πόλεως ἐθείρυγον, &c.—ἐν τῷ αὐτῷ πλοῖῳ. This clause is designed to forbid the use of any less sea-worthy vessel.
'Αθήνας πάλιν ἐν τῷ αὐτῷ πλοίῳ ἄπαντα. σωθέντων δὲ τῶν χρημάτων 'Αθήνας ἀποδώσουσιν οἱ δανεισάμενοι τοῖς δανείσασι τῷ γεγομένῳ ἀργύριον κατὰ τὴν συγγραφὴν ἡμερῶν εἰκοσιν, ἀφ' ἢς ἂν ἐλθὼσιν 'Αθήνας, ἐντελεῖς πὴν ἐκβολῆς, ἢν ἂν οἱ σύμπλοι ψηφισάμενοι κοινῇ ἐκβάλλωνται, καὶ ἂν τι πολεμίως ἀποτίσωσιν τῶν δ' ἄλλων ἄπαντων ἐντελεῖς. καὶ παρέξουσι τοῖς δανείσασι τὴν ὑποθήκην ἄνέπαφον κρατεῖν, ἐως ἂν ἀποδώσι τὸ γεγομένου ἀργύριον κατὰ τὴν συγγραφὴν, ἐὰν δὲ μὴ ἀποδώσων ἐν τῷ συγκεῖ- 12 μένῳ χρόνῳ, τὰ ὑποκείμενα τοῖς δανείσασιν ἕξεστο ὑποθείναι καὶ ἀποδόσαι τῆς ὑπαρχοῦσης τιμῆς καὶ ἐὰν τι ἐλλείπῃ τοῦ ἀργυρίου, ὁ δὲ γενέσθαι τοῖς δανείσασιν See on Or. 37 § 5. ἡμερῶν, κ.τ.λ.] 'within twenty days after' (lit. 'counting from that on which') 'they shall have returned to Athens.' It is convenient to call this a 'genitive of limitation of time' (past or future), as if ἐντὸς were in the writer's mind.

ἐκβολῆς] Jactura, 'jettison,' goods lost by being thrown overboard to lighten a ship in a storm. To prevent fraud, it is specified that none can be allowed as a drawback, except such as the passengers have agreed to be necessary for their common safety. This partial jettison Aeschylus calls βαλλεῖν σφενδόνης ἀπ' εἰμέτερον, Agam. 1010. 'Cf. Acts xxvii 18, 38. M. Dareste refers to the Digest xiv 2, de lege Rhodia de tactu.

ἀνέπαφον] A word properly applied to a cargo unmolested by pirates, came to mean integram, entire and without deduction. See on Aesch. Suppl.
13. *eisβάλωσιν*] ‘Make the entrance of Pontus.’ A nautical term, probably, familiar to navigators in that sea and to those coasts.——ἐπὶ κυνί, ‘after the rising of the dog-star.’ ‘Bad weather seems to have been generally expected in the dog-days [July 25 to August 5].’ Penrose.

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

[Harpocratian s. v. σύλας: Δημοσθένης ἐν τῷ περὶ στεφάνου τῆς τριπαρχίας (page 1232, 4) καὶ τῷ πρὸς τὴν Δακρόσ τοῦ παραγραφῆς ἡ ἐξέλομενος ὁπόταν (sic) μὴ σύλαι ὤσιν Ἀθηναίων...’ S.] τόσο πέρυσι γραφέντας] ‘The amount of interest (i.e. not more) inserted in the bond for last year.’ If the legal year should have expired, the interest is to remain the same. [‘L’année commençait au mois de juin, au solstice d’été. La saison de la navigation allait d’avril à octobre, et, par suite, les intérêts convenus au mois d’avril ne pouvaient être payés que l’année suivante, au retour du navire.’ Dareste. S.]

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

σωτηρία] ‘Let there be salvage of the hypothecated goods for the benefit of the lenders.’ The simplest sense seems to be, that if the ship be wrecked, but any of the goods be recovered, they shall belong to the lenders, i.e. the wreck shall not exonerate the borrowers from all further obligation. Or we might read σωτηρία in the plural, ‘let costs be allowed for salvage.——τὰ περιγενέματα. ‘any goods that may be saved be the property of both lenders alike.’ By κοῦλα (in which Kennedy ‘can see no force’) is meant
P. 927] ΛΑΚΡΙΤΟΤ ΠΑΡΑΓΡΑΦΗΝ. 63

τῶν ὑποκείμενων τὰ δὲ περιγενόμενα κοινὰ ἐστὶν τοῖς δανείσασιν. κυριώτερον δὲ περὶ τούτων ἄλλο μηδὲν εἶναι τῆς συγγραφῆς.

Μάρτυρες Φορμίων Πειραιεὺς, Κηφισοδότου Βοιώτιος, Ἡλιόδωρος Πιτθεύς.

Δέγε δὴ καὶ τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

[Ἀρχενομίδης Ἀρχεδάμαντος Ἀναγυράσιος μαρτυρεῖ συνθήκας παρ’ εαυτῷ καταθέσθαι Ἀνδροκλέα Σφίττιον, Ναυσικράτην Καρύστιον, Ἀρτέμωνα, Ἀπολλόδωρον, Φασηλίτας, καὶ εἰναι παρ’ εαυτῷ ἐτὶ κειμένην τὴν συγγραφὴν.

Δέγε δὴ καὶ τὴν τῶν παραγενομένων μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

[Θεόδωτος ἰσοτελῆς Χαρίνος Επιχάρους Λευκονοεύς, Φορμίων Κηφισοφάντος Πειραιεὺς, Κηφισοδότου Βοιώτιος, Ἡλιόδωρος Πιτθεύς μαρτυροῦσι παρεῖναι, ὅτ’ ἐδάνεισεν Ἀνδροκλῆς Ἀπολλοδόρῳ καὶ Ἀρτέμωνι ἀργυρίον τρισχιλίας δραχμᾶς, καὶ εἰδέναι τὴν συγγραφὴν καταθεμένους παρὰ Ἀρχενομίδῃ Ἀναγυρασίῳ.

ἐ (σωτηρία δ’ ἐσται τῶν ὑποκείμενων), τὰ περιγενόμενα Ἡ εἰς Αρ; but Bekker agrees with Dindorf.

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

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

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

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

Anagyrus, Sphettus, Leuco-noë or Leuconium (Photius), Piraeus and Pitthis, were all Attic demi. A Θεόδωτος ἰσοτελῆς is mentioned in Or. 34 § 18.
15 Kata tēn syngraphēn tautēn, ó andreis dikastai, edaneisa ta chrēmata. Artemon tō tou tou adelphō, kelexontos tou tou kai anadechoménon anaptō èvese tōi 928 mou ta dikaiata kata tēn syngraphēn, kathēn edaneisa tou tougrafontos kai syssethymenou, épeidhē égraphi. Oi mēn gar adelphoi oi tou tou éti neosteroi ἦσαν kai meiráxia pantaπapasin, ónitoi dé Lákritos

16 Phasileitēs, méga prάγma, 'Isokratous maθētēs' ou-tos ἤν ὁ πάντα διοικόν, kai éautō me tōn vouν προσ-

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

'συστήματαμένου] 'Joining in the signature.' Or. 41 § 22 (πρὸς Στρούντα):—τι δὲ συνεσθαμάντο
pάλιν τα μηδὲν υπὲρ δυτα μηδ' ἀληθῆ γράμματα; We cannot say how far this made Lacritus legally liable. Perhaps it was only a plausible show of acceptance; but it was not necessarily done fraudulently, as Androcles implies.

μέγα πράγμα] 'A great man,' ὅπως εἶναι τίς. Penrose compares Herod. π 132, ἤν μέγι-
stoν πράγμα Δημοκρίτου τῷ βα-
σιλεί.

'Ἰσοκράτους μαθητής' Cicero, Brutus, § 32, 'Isocrates, cuius domus cunctae Graeciae quasi
ludus quidam patuit atque officina dicendi.' Quintilian π 8, 11, 'Clarissimus ille praeceptor Isocrates, quem non magis libri

bene dixisse, quam discipuli bene dociuisse testantur.' Amongst his best-known pupils were the orators Isaenus, Hype-
rides, Lycurgus; the historians Theopompos and Ephorus; also Timotheus the celebrated gene-
ral, and Androcles the orator and demagogue attacked by De-
mosthenes; who describes him as τεχνίτης τῶν λέγεων καὶ πάντα τῶν βιῶν ἐσχάλακεν ἐν τοῖς (Dem. Androt. § 4), and who is
said to have spent special pains on his speech because he had to confront an orator who had learned his art in the school of Isocrates. (See further Isocr. Paneg. § 189 n.)

More than 40 of his pupils are discussed by P. Sanneg (de Schola Isocratea, p. 60), who
describes Lacritus as 'dema-
gogus magis et callidus versus-
tusque vir quam literis deditus,
tamen in arte rhetorica—si fides
habendaPseudo-Demostheni Or.
in Lacr. 41—tradenda versatus.
Ea enim oratio adeo disciplinae
Isocrateae maledicit, ut e more
Demosthenis fieri nequibat.' Cf.
note on ὑπώρειας 1. 13. S.]

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

17. ὁ τι ἐδόκει (χρησάμενα) 'for whatever purpose they chose.' The almost unvarying idiom is τὸ χρησάμενον τῷ; rarely ἐπὶ or πρὸς τί.

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

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

καθισταμένην] Perhaps here we should read τὴν καθισταμένην, ‘the price which was agreed for.’ Otherwise, we must follow Mr Mayor (p. 244) and others in regarding εἰς τὴν καθισταμένην = καθισταθαι.—σὺν τούς, κ.τ.λ. ‘including the expenses which had to be incurred for the vessels and stowage of the wine.’ Kennedy. Comp. Or. 34 § 7, σὺν τῷ ἐπισιτισμῷ. It

will be observed that the contract (10—11) contains no clause to this effect.

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

§ 20. Evidence of the pilot and quartermaster that only 450 jars of wine were taken in Hylæsia’s ship.
МАΡΤΥΡΙΑ.

[Ἐρασικλῆς μαρτυρεῖ κυβερνᾶν τὴν ναύην Τβλῆ- 20
σιος ἐναυκλήρει, καὶ εἰδέναι Ἀπολλόδωρον ἀγόμενον ἐν
tῷ πλοῖῳ οἰκου Μενδαίου κεράμια τετρακόσια πεντή-
κοντα, καὶ οὐ πλεών. ἀλλὰ δὲ μηδὲν ἀγόμιμον ἀγεσθαι
ev τῷ πλοῖῳ Ἀπολλόδωρον εἰς τὸν Πόντον.

Ὑπίας Ἀθηνίππου Ἀλκαρνασσέως μαρτυρεῖ
συμπλεῖν ἐν τῇ Τβλησίου νηί διοπεύων
tινα ναύν, καὶ εἰδέναι Ἀπολλόδωρον τὸν Φασηλίτην ἀγόμενον ἐν τῷ
πλοῖῳ ἐκ Μενδης εἰς τὸν Πόντον οἰκου Μενδαίου κερά-
μια τετρακόσια πεντήκοντα, ἀλλὰ δὲ μηδὲν φορτίον.

Πρὸς τούτῳ ἐξεμαρτύρησεν Ἀρχάδης Μενσωνί
dου Ἀχαρνέως, Σώστρατος Φιλιπποῦ Ἰστιαίόθεν,
Ἐυμάριχος Ἐβύοιου Ἰστιαίόθεν, Μιλτιάδης Κτησίου
Εὐπτεταίων, Διονύσιος Δημοκρατίδου Χολλείδης.

k διοπεύων restored by Dindorf, Z and Donaldson (New Crit.
§ 433), Bekk. st. διοπεύων Bekker 1824 cum libris.

1 Ἀρχάδης Z cum F Φ. Ἀρχάδης Bekker.
m om. Z.

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

διοπεύων] An overlooker or
super-cargo. A form of διο-
pτεύων, seen also in ὁπιττεύων.
Aeschylus has βασιλῆς διόπου in
Pers. 44 (Hesych. ἐπιμεληταί).
And Hesych. has διοπεύων: ἐπι-
μελεσθαι νέω,—διοπος: ἐπίσκο-
pος, ἄρχων, ναύαρχος, ἐπιστάτης,
διόπτης. — διοπτεύων: κατακο-
pτευν.—[Schol. διοπεύων: ὁπιτ-
pτευων τὰ κατὰ τὴν ναὺν, διο-
πος τὸς ὄνω, ἄρχον κατακοπτῶν.
Harpcrat. διοπτεύων (sic): Δη-
μοσθένης ἐν τῷ κατὰ Λακρίτου,
διόπος λέγεται νεῶ ὁ διέσσων καὶ
ἐπιτπεύων τὰ κατὰ τὴν ναῦν. See
Büchsenschütz, Besitz u. Er-

verb, p 459 n. S.]

ἐξεμαρτύρησεν] 'Put in a
written affidavit on absence at
the time,' i.e. when the other
depositions were drawn up. On
this word there is a note on
Aesch. Agam. 1167 (P.) [Or. 46
§ 7].—'Ιστιαίόθεν, 'from His-
tiaea'(Oreus) in Euboea, of which
island Nausicrates, the partner
of Androcles, was a native, §
10.

Εὐπτεταίων] Photius, Εὐπ-
tεταιών (sic), δῆμος τῆς Κεκρο-
pτίδος φυλῆς. Εὐπτεταίη, ἀφ' ἦς ὁ
dημότης Εὐπτεταίων. Hesych.
Εὐπτετά: δῆμος τῆς Κ. φ. The
proper form is Εὐπτη (Steph.
Byzant.).—Σκληρίδης, Αρ. Αχ.
406, of the deme Chollidae.
Περὶ μὲν οὖν τοῦ πλῆθους τοῦ οἴκου, ὅσον ἔδει αὐτοὺς ἐνδείκνυαι εἰς τὸ πλοῖον, τάντα διεπράξαντο, καὶ ἦρξαντο εὐθὺς ἐντεύθεν ἀπὸ τοῦ πρῶτου γεγραμμένου μένου παραβαίνειν καὶ μὴ ποιεῖν τὰ γεγραμμένα. μετὰ δὲ ταύτ' ἐστιν ἐν τῇ συγγραφῇ ὅτι ὑποτιθέασι ταύτ'/ ἐλεύθερα καὶ οὐδὲν οὐδὲν ὁφείλοντες, καὶ ὅτι οὐδὲν ἑπιδανείσονται ἐπὶ τούτως παρ' οὕδενος. τάντα διαρρήκην γέγραπται, ὅ ἀνδρεῖς δικασταί. οὕτω δὲ τι ἐποίησαν; ἀμελήσαντες τῶν γεγραμμένων ἐν τῇ συγγραφῇ δανείζονται παρὰ τινος νεανίσκου, ἐξαπατήσαντες ὡς οὐδὲν οὐδὲν ὁφείλοντες' καὶ ἡμᾶς τε παρεκρούσαντο καὶ ἐλάθον δανείσαμενοι ἐπὶ τοὺς ἠμετέρους, ἐκεῖνον τε τῶν νεανίσκου τὸν δανείσαντα ἐξηπάτησαν ὡς ἔπτ' ἐλευθέρους τοῖς χρήμασι δανείζόμενοι τοιαῦτα τούτων ἐστὶ τὰ κακουργήματα. τάντα δὲ παντ' ἐστὶ τὰ σοφίσματα Δακρίτου τουτοῦ. ὅτι δ' ἀληθῆ λέγω καὶ ἑπεδανείσαντον χρήματα παρὰ τὴν συγγραφὴν, μαρτυροῦμεν τὰ Ζ εὑρ. Σ.—ομ. Bekker.

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

ἀπὸ τοῦ πρῶτου] 'From the first clause,' as given in § 10, ἐπὶ οἴκου κεραμίως τραχλίως. ὑποτιθέασι...ἐλεύθερα] Theophrast. fragm. 97, παρ' οἷς ἀναγραφῇ τῶν κτημάτων ἐστὶ καὶ τῶν συμβολαίων, εἴ ἐκείνων ἐστὶ μαθέων, εἴ ἐλεύθερα καὶ ἀνέπαφα καὶ τὰ αὐτῶν παλεῖ δικαίως. S.] 22. ἑπιδανείσοντα] Or. 34 § 6.

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

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

§ 23. Affidavit that the second loan was advanced in ignorance of a former loan having been made on the same security.
ρίαν ἀναγνώστει τὸν ἑπίδανείσαντος. λέγε 23

ΜΑΡΤΤΡΙΑ.

[Ἀρατος Ἀλικαρνασσεῖς μαρτυρεῖ δανεῖσαι Ἀπολλοδόρῳ ἐνδεκα μνᾶς ἀργυρίου ἐπὶ τῇ ἐμπορίᾳ ἦν ἡγέν ἐν τῇ Υβλησίῳ νη ἑις τὸν Πόντον καὶ τοὺς ἐκείθεν ἀνταγορασθείσι, καὶ μὴ εἴδεναι αὐτὸν δεδανεισμένον παρὰ Ἀνδροκλέους ἀργυρίου οὗ γὰρ ἄν δανεῖσαι αὐτὸς Ἀπολλοδόρῳ τὸ ἀργύριον.]

Αἱ μὲν πανουργίαι τοιαῦται τῶν ἀνθρώπων τούτων 24 εἰσίν. γέγραπται δὲ μετὰ ταῦτα ἐν τῇ συγγραφῇ, οὗ ἄνδρες δικασταὶ, ἐπειδὰν ἀποδώνται ἐν τῷ Πόντῳ ἄγγελον, πάλιν ἀνταγοράζειν χρήματα καὶ ἀντιφορτίζειν καὶ ἀπάγειν Ἀθήνας τὰ ἀντιφορτισθέντα, καὶ ἐπειδὰν ἀφίκωνται Ἀθήνας, ἀποδοῦναι εἰκοσιν ἱμερῶν τὸ ἀργύριον ἦμῖν δόκιμον ἦν ἵνα ἄν ἀποδώσῃ, κρατεῖν τῶν χρημάτων ἤμας, καὶ ἀνέπαφα ταῦτα παρέχειν

ο Σ. ἀντιφορτίζεσθαι Z. Cf. §§ 25, 37.

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

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

ἀ ἡγέν] An historical clause, for the actual words of the contract, ἄν ἄγαγωσον. All subjunctives are futures; and the verb in the minor clause is not logically correct in the past tense, unless indeed (as inf. § 26) a transaction is described preceding the event expressed by the subjunctive. But the use under any circumstances is rare, as is the subjunctive itself with πρόσθεν or πρὸτερον (Thuc. 1. 41, Ar. Vesp. 1074).

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

ἔως δ' ἂν κ.τ.λ.] 'Pending the payment, we are to have possession of the goods, and they on their parts are to give them up to us uninjured (§ 11) till we have got our money back.'
25 τούτους, ἐως ἀν ἀπολάβωμεν. γέγραπται μὲν γὰρ ταύτα οὕτωσι ἀκριβῶς ἐν τῇ συγγραφῇ; οὕτω δ’, ὁ ἄνδρες δικασταὶ, ἐνταῦθα καὶ ἐπεδείξαντο μάλιστα τὴν ὑβρίν καὶ τὴν ἀναίδειαν τὴν ἑαυτῶν, καὶ ότι οὐδὲ μικρὸν προσείχου τοῖς γράμμασι τοῖς γεγραμμένοις ἐν τῇ συγγραφῇ, ἀλλ' ἠγούντο ἐναὶ τὴν συγγραφήν ἄλλως ὑθλον καὶ φλυαρίαν. οὔτε γὰρ ἀντηγόρασαν οὐδὲν ἐν τῷ Πόντῳ οὔτε ἀντεφορτίσαντο ὡστε ἄγειν Ἀθηναζῆ ἡμεῖς τε οἱ δανείσαντες τὰ χρήματα ἡκόντων αὐτῶν τούτων ἐκ τοῦ Πόντου οὐκ εἰχομεν ὅτιν ἐπιλαβοίμεθα οὖν ὃτου κρατοίμεν, ἐως p κομισαίμεθα τὰ ἡμέτερα q αὐτῶν οὖν οὕτω ὁιοῦν γὰρ εἰσήγαγον εἰς τὸν λιμένα τὸν 26 ὑμέτερον οὗτοι. ἀλλὰ πεπόνθαμεν καινότατον, ὁ ἄνδρες δικασταὶ ἐν γὰρ τῇ πόλει τῇ ἡμέτερα αὐτῶν, οὐδὲν ἀδικοῦντες οὐδὲ δίκην οὐδεμιὰν ὥφληκότες τοῦτοι, σεσυλήμεθα τὰ ἡμέτερα αὐτῶν ὑπὸ τούτων Φασηλιτῶν ὑντων, ὄσπερ δεδομένων συλῶν Φασηλίταις

p ἐως [ὅτου] Βέκκ. 1824.

q ἡμέτερα Ζ.

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

d'λως ὑθλον] 'Mere trash and nonsense.' There was a pro-verb γραῶν ὑθλος, 'old wives' fables,' Plat. Theaet. p. 176b. For ἄλλως Penrose compares Eur. Troad. 476, οὐκ ἄριθμον ἄλλως, ἀλλ' ὑπερτάτους Φινών.

ἔτου—ἐως] In direct narrative, οὐκ ἔχομεν οἴτου κρατῶμεν ἐως ἀν κομισώμεθα. In Latin, non habebamus quod prædere- mus donum recepissent quae essent nostri. The ἀν would have been added to ἐως had the event been still pending; and even with the optative in past narrative it is sometimes added, as explained at length on Aeschin. Pers. 452 (P). Cf. Or. 33 § 8, ὅπως τοιοῦτα (i.e. ἐπιλαβοίμεθα) τῆς νεώς καὶ τῶν παιδῶν, ἐως ἀποδοθῇ τὰς δέκα μνᾶς τις ἐν ἐμοῖ ἐλαβε. §§ 26, 27. Thus we have been robbed of our property in our own city, as if forsooth these Phaselites had the right of reprisal on Athenians! For it is robbery not to pay debts. Here was no dispute about facts, no ambiguity in the terms of the bond. It is simply roguery on their part. When both the con-tracting parties have made a written agreement, there is an end of it; it only remains for them to act up to the letter of the contract.

συλῶν] See § 18. Photius (in ν. συλας) cites the sentence
κατ' Ἀθηναίων. ἐπειδήν γὰρ μὴ ἐθέλωσιν ἀποδοῦναι ἃ ἔλαβον, τί ἂν τις ἄλλο ὄνομ' ἔχοι θέσθαι τοὺς τοιούτους ἢ ὅτι ἀφαιροῦνται βία τὰ ἄλλοτρια; ἐγὼ μὲν οὖν ἅκηκοα πῶς ποτὲ πράγμα μιαρώτερον ἢ ὁ οὗτοι διαπε- πραγμένοι εἰσὶν περὶ ἡμᾶς, καὶ ταῦθ' ὁμολογοῦντες λαβεῖν παρ' ἡμῶν τὰ χρήματα. ὡσα μὲν γὰρ ἀμφίσ- 27

932 βτῆσιςμά ἐστι τῶν συμβολαίων, κρίσεως δεῖται, ὃ ἄνδρες δικασταί τὰ δὲ παρ' ἀμφοτέρων ὁμολογηθέντα τῶν συντιθεμένων, καὶ περὶ ὧν συγγραφαί κεῖται ναυτικαί, τέλος ἔχειν ἄπαντες νομίζουσι, καὶ χρῆσθαι προσήκει τοῖς γεγραμμένοις. ὅτι δὲ κατὰ τὴν συγ- γραφὴν οὖν ὁτιον πεποίηκασιν, ἄλλ'] εὐθὺς ἀπ' ἀρχῆς ἀρξάμενοι ἐκακοτέχνουν καὶ ἐπεβούλευνον μηδὲν ὑγίες ποιεῖν, ὑπὸ τοῦ παρτυρίῳ καὶ αὐτοὶ ὑφ' ἕαυτῶν ἐλέγχονται οὕτως καταφανῶς.

Ὁ δὲ πάντων δεινότατον διεπράξατο Λάκριτος 28 οὕτωσί, δει ὡμᾶς ἀκούσαι οὕτως γὰρ ἢν ὁ πάντα ταῦ- τα διοικῶν. ἐπειδὴ γὰρ ἀφίκοντο δεύρο, εἰς μὲν τὸ τ' αὐτῶν Ζ.

σεσυλημέθα—ἄλλοτρια, omitting some words, τοὺς καὶ ὄντων, ὥστερ προς διεσθομένων καὶ βία. after ἀναφεροῦσιν (sic). He re- fers the passage to the De Corone, by an evident mistake. Cf. Lysias κατὰ Νικοῦ. Or. 30 § 22, ὅρων—Βοιωτοῦ σύλα ποιου- μένους.

ὀὔδ' ἅκηκομε] i.e. much less have I witnessed.

διαπεπραγμένοι] Observe the medial use of the perfect passive corresponding to the aorist διε- πράξατο. Similarly εἰσπέπρακ- ται in § 44.

27. ὡσα κ.τ.λ.] 'Those con- tracts which are disputed.' Ken- nedy. Rather, perhaps, 'such clauses in contracts as are dis- putable.'

tέλος ἔχειν] 'To be final,' i.e. κύρια or valid.—χρῆσθαι, 'to adopt, carry into effect.'

§§ 28—31. On returning to Athens, they put the ship into 'Smugglers' Creek,' and there she remained at anchor for nearly a month, while the de- fendants showed themselves fre- quently on 'Change. On being asked for payment, they said they were doing all they could to discharge our claims; but finding no goods were forthcoming, I asked Laecritus the reason. He replied, that the ship had been wrecked in the home voy- age, and all the goods lost that were to have been conveyed to Athens.
28. ἐξω τῶν σημείων] A flag-staff, perhaps, or some similar signal, was placed to show the limits of the Attic harbours. This was an insignificant creek probably nearly opposite the little island of Psyttaleia, having its nickname from its use to unprincipled traders in evading the custom-duties. It was as much out of the way (says the orator, using hyperbole), as if one should put in at Aegina or Megara (Nisaea). [Bekker's Anecd. 315, Φωρών λιμένα: ὁ φωρών λιμήν ἐστὶν ἐν μεθορίῳ τῆς Ἀστυκής, ἐνθα οἱ λησταί καὶ κακούργοι ὁρμήσονται. Strabo, p. 395, οἱ Κορυδαλεῖς, εἷς ὁ φωρών λιμήν καὶ ἡ Ψυττάλεια. Leake's Athens, i 382. S.]

29. δείγματι] A place where samples of goods (δείγματα) were shown. See Boeckh, Publ. Ec. p. 58. Or. 50 (πρὸς Πολυκλέα), § 24, παραλαβών Δευταν τῶν κηδεσθην τῶν ἐμῶν προσέρχεται αὐτῷ ἐν τῷ δείγματι. Ar. Equit. 979, ἐν τῷ δείγματι τῶν δικῶν. Hesych. δείγμα τότος ἐν Ἀθηναῖσ οὕτως καλούμενος. [Harpocrat. τότος τις ἐν τῷ Ἀθηναῖσ ἐμπορίῳ. Leake's Athens, i 382. S.]

ἐπιμελεῖσθαι] 'To do all in their power.' The ἀν here, differently from the combination ὅπως ἂν with the subjunctive (sup. § 7) belongs to the optative, and the order of the words might have been ὅπως ἂν τάχιστ' ἂν ἀπολάβοιμεν.——αὐτὰ, perhaps αὐτὸ, i.e. themselves, without being urged.
προσήμεν, καὶ ἂμ ἐπεσκοποῦμεν εἰ τι ἐξαιροῦνται ποθὲν ἐκ τοῦ πλοίου ἡ πεντηκοστεύονται. ἔπειδὴ δ᾿ ἢμέραι τε ἢσαν συχναὶ ἐπιδημοῦσι τοῦτοι, ἢμεῖς τ᾽ ῥυδὶ ὁτιοῦν εὐρίσκομεν οὔτ᾽ ἐξηρημένων οὔτε πεπεν-
933 τηκοστευμένων ἐπὶ τῷ ὀνόματι τῷ τούτων, ἐνταῦθ᾽ ἦδι μᾶλλον προσεκείμεθα ἀπαιτοῦντες. καὶ ἔπειδὴ ἡμουχλοῦμεν αὐτοῖς, ἀποκρίνεται Ἀάκριτος οὐτοὶ ὁ ἀδελφὸς ὁ Ἀρτέμωνος ὅτι ὅν ἄν ὁδῷ τ᾽ ἐίησαν ἀπο-
δοῦναι, ἀλλ᾽ ἀπόλολεν ἀπαντὰ τὰ χρήματα καὶ ἔφη Ἀάκριτος δικαῖον τι ἔχειν λέγειν περὶ τούτων. καὶ 31 ἢμεῖς, ὁ ἀνδρὲς δικασταὶ, ἡγανακτοῦμεν μὲν ἔπι τοῖς λεγομένοις, πλέον δ᾽ οὐδὲν ἢν ἁγανακτοῦσιν ἢμῖν τοῦτοι γὰρ ὅν ὁτιοῦν ἐμελεν. οὐδὲν δ᾽ ἢπτωμεν ἠρω-
τόμεν αὐτοὺς ὄντων τρόπον ἀπολωλότ' εἴη τὰ χρή-
ματα. Ἀάκριτος δ᾽ οὐτοὶ σαναγῆσαι ἔφη τὸ πλοῖον παραπλέον ἐκ Παντικαπαίου εἰς Θεοδοσίαν, ναναγή-
σαντος δὲ τοῦ πλοίου ἀπολωλέναι τὰ χρήματα τοῖς

* ἐκ πλοίου Z. τοῦ ἀπολίθιτ Wolf.
* om. Z et Bekk. st. cum libris. μὲν cum Reiskio Bekk. 1824.

ἐπεσκοποῦμεν] 'We kept our eyes upon them,'

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

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

—ἡμουχλούμεν, ὡς ἦν ἡγνώ-
μεθα, 'when we began to be very pressing.'

ὁ ἀδελφὸς ὁ Ἄρ.] See sup. § 19.

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

31. Παντικαπαίοι] Kertsch, in the Crimea. See on Or. 34 § 8.—Θεοδοσία, Strabo, p. 309 (Vol. π p. 425, ed. Meineke), ἐστὶ δὲ τὸ μεταξὺ τῆς Θεοδοσίας καὶ τοῦ Παντικαπαίου σταδίων περὶ πεντακοσίων καὶ τριάκοντα. [Dem. Lept. § 83 (of Leucon king of Bosporus), προσκατα-
σκενάσας ἐμπόριον Θεοδοσίαν (sc. Kaïfa) ὁ φασί οἱ πλεόντες οὐδ᾽ ὁτιοῦν χετρον εἶναι τοῦ Βοστόρου (sc. Kertsch) καὶ ταυθ᾽ ἔδωκε τὴν ἀτέλειαν ἠμῖν. S.]
...endeavored to obtain, at that time, those on board. ...tion, and part part being conveyed for and at the cost of a farmer at Theodosia.

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

tó πλοίον τῷ] See on § 19. He seems to mean, that if it really was wrecked (which he doubts), the loss could not be pleaded in excuse for non-pay-
εξεστηκότος οίνον, καὶ τὸ τάριχος ἀνθρώπῳ τῷ γεωργῷ παρεκομίζετο ἐν τῷ πλοίῳ ἐκ Παντικαπαίου εἰς Θεοδοσίαν, τόις ἐργάταις τοῖς περὶ τὴν γεωργίαν χρήσθαι. τί οὖν ταύτας τὰς προφάσεις λέγουσιν; οὐδέν 934 γὰρ προσήκει. καὶ μοι λαβέ τὴν μαρτυρίαν, πρώτων 33 μὲν τὴν 'Απολλωνίδου ὅτι 'Αντίπατρος ἦν ὁ δανείσας ἐπὶ τῷ πλοίῳ, τούτους δ' οὔδ' ὑποβολόν προσήκει τῇς ναυαγίας, ἐπειτα τὴν 'Ερασικλέους καὶ τὴν 'Ἰππίου, ὅτι ὁγονήκοντα μόνον κεράμια παρήγετο ἐν τῷ πλοίῳ.

ΜΑΡΤΥΡΙΑΙ.

[Ἀπολλωνίδης Ἀλικαρνασσεῖς μαρτυρεῖ εἴδεναι δανεὶσαντα 'Αντίπατρον, Κυτεὶα τὸ γένος, χρήματα 'Ὑβλησίῳ εἰς τὸν Πόντον ἐπὶ τῇ νησί ἤν 'Ὑβλήσιος ἐνανκλήρει, καὶ τῷ ναύλῳ τῷ εἰς τὸν Πόντον' κοινωνεῖν δὲ καὶ αὐτὸν τῆς νεῶς 'Ὑβλησίῳ, καὶ συμπλεῖν έαυτοῦ οἰκήτας ἐν τῇ νησί, καὶ ὅτε διεθάρη ἢ ναύς, παρείναι τοὺς οἰκήτας τοὺς έαυτοῦ καὶ ἀπαγγέλλειν έαυτῷ καὶ ὅτι ἡ ναύς κενῆ διεθάρη παραπλέουσα εἰς Θεοδοσίαν ἐκ Παντικαπαίου.

'Ερασικλής μαρτυρεῖ συμπλεῖν 'Ὑβλησίῳ κυβερ- 34 νῶν τῆς ναυός εἰς τὸν Πόντον, καὶ ὅτε παρέπλει ἡ ναύς εἰς Θεοδοσίαν ἐκ Παντικαπαίου, εἴδεναι κενὴν τῆς

ἐξεστηκότος] Vapidi, vappae; 'that had turned bad.' Hesych. ἐξεστηκός οίνος, ὁ δείνης, i.e. in which the acetic fermentation had taken place.—στάμνοι, the same as κεράμω, as appears from §§ 33, 34.

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

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

κοινωνεῖν καὶ αὐτὸν] 'That he was himself part-owner.'

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

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

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

οὗν Κἐων κεράμια] For οὗν Κὐων κερ. Cf. § 10, οὗν κεραμίοις Μενδαίοις (but in § 20, οὗν Μενδαίου κεράμια). Ar. Lys. 196, Θάσιον οὗν σταμνίον. Ș.

διοπεύων] § 20. ʼΑπολλόδωρον] Perhaps ʼΑπολλόδωρον, 'belonging to Apollodorus.' In § 16 it is said that Artemo was to sail with the goods. See, however, § 20. The middle ἐνθέσθαι may mean that A. 'had it put on board' in his absence.

ἀγγείον] 'A hamper,' perhaps. So in Eur. Ion 1412, the αὐτίπης or round casket (εἰδίτουs) is called ἀγγείον.

dérmata, see Or. 34 § 10. ἔξεμαρτυρήσει] § 20. §§ 35—7. The improbability of the defendant's statement is shown by the custom of exporting wine to, not importing it from, the Pontus. Lacritus' account, that his brother Artemo had lent a friend of his in Pon-
tus 100 staters, contravenes the terms of the bond, that goods should be purchased with the money in Pontus, and brought back to Athens.

κατ’ ἐμπορίαν] 'In the way of trade.'

eis τὸν Πόντον ὁ οἶνος—Θάσιος] Virg. G. 11 91, 'Sunt Thasiae vites.' Fragments of earthenware wine-jars have been found near the harbours of the Northern Euxine, especially the ancient Olbia (at the mouth of the Dnieper), stamped with the names of Rhodes, Cnidus and Thasos (Büchsenschütz, Besitz u. Erwerb, pp. 422—4. Cf. Strabo quoted on Or. 34 § 10). In the Leake Collection there are several coins of Pparethus, with the head of Bacchus, and on the reverse a diota or cantharus, with bunches of grapes. Those of Thasos often have the head of Bacchus or Silenus; those of Mende, Silenus on the obverse, and on the reverse a vine or a diota. See Plate of Coins. Ar. fragm. 301, οἰνον δὲ πίνειν οὐκ ἐάσω Πράμμιον, οὐ Χίον, οὐχὶ Θάσιον, οὐ Πεπαρήθιον. S.]

ἐτερά ἐστιν] Some of these are enumerated in Pers. Sat. v 134, 'saperdas advehe Ponto, Castoreum, stuppas, ebenum, thus, Lubrica Coa,' where ‘Coa’ is interpreted to mean ‘silk’ or fine linen.

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

στατήρες Κυζίκηρα] See note on Or. 34 § 23.

ὀν δύναι] 'That he was not able to recover it, in fact, that this also might be considered as lost.' Kennedy.
§§ 38—40. If the terms of the loan forbid lending the money in Pontus, that must be regarded as decisive. These Sophists are a bad lot. I don't say it because they have paid for learning eloquence (that is their affair); but if their eloquence is perverted to injustice, they ought to be punished.

39. [§§ 37—41. ΣΤΙΓΜΑΦΗ.

38. Πότερον, ὁ ἀνδρές δικασταὶ, δανείζειν κελεύει 937 τούτοις ἡ συγγραφὴ τὰ ἡμέτερα, καὶ ταῦτ' ἀνθρώπῳ ὃν ἢμείς οὔτε γιγνώσκομεν οὔθ' ἐοράκαμεν τῶποτε, ἡ ἀντιφορτισμένους κοιμᾶσαι Ἀθηναζὲ καὶ φανερὰ 39 ποιῆσαι ἡμῖν καὶ ἀνέσαφα παρέχειν; ἡ μὲν γὰρ συγγραφὴ οὐδὲν κυριότερον ἔδω εἴναι τῶν ἐγγεγραμμένων, οὔδὲ προσφέρειν οὔτε νόμον οὔτε ήψίσμα οὔτ' ἀλλ' οὐδ' ὅτιον πρὸς τὴν συγγραφὴν τούτοις δ' εὐθὺς ἐξ ἀρχῆς οὐδὲν ἐμέλησε τῆς συγγραφῆς ταύτης, ἀλλὰ τοῖς χρήμασιν ἔχρωντο τοῖς ἡμετέροις ὦσπερ ἰδίοις οὗτοι οὔτ' οὔτως εἰσὶν οὗτοι κακοῦργοι σοφισταὶ καὶ 40 ἀδικοὶ ἀνθρώποι. ἐγώ δὲ μὰ τὸν Δία τὸν ἄνακτα καὶ

α ἐοράκαμεν Ζ.


tous theous 'apantas, ou'dei\* πώποτ' ἐφθάνησα οὐδ' ἐπετίμησα, οὐ ἀνδρεσ δικασταί, εἴ τις βουλεταί σοφιστής εἶναι καὶ Ισοκράτει ἀργύριον ἀναλόκειν· μαινομυν γὰρ ἂν, εἴ τί μοι τούτων ἐπιμέλες εἴη. οὐ μέντοι μὰ Δία οἴματι\(^b\) γε δεῖν ἀνδρώπους καταφρονοῦντας καὶ οἰομένους δεινοὺς εἶναι ἐφίσθαι τῶν ἀλλατρῶν, οὐδ' ἀφαιρεῖσθαι, τῷ λόγῳ πιστεύοντας· ποιηροῦ γὰρ 938 ταῦτ' ἐστὶ σοφιστοῦ καὶ οἰμωξομένου. Δάκριτος δ' 41 οὐτοσι, οὐ ἀνδρεσ δικασταί, οὐ τῷ δικαίῳ πιστεύον εἰσεληλυθε ταῦτην τὴν δίκην, ἀλλ' ἀκρίβως εἴδως τὰ πεπραγμέν' ἐαυτοῖς περὶ τὸ δάνεισμα τούτο, καὶ ἡγούμενος δεινὸς εἶναι καὶ ῥαδίως λόγους ποριεῖσθαι περὶ ἀδίκων πραγμάτων, οἰεται παράξειν ὡμᾶς ὅποι ἄν βούληται. ταῦτα γὰρ ἐπαγγέλλεται δεινὸς εἶναι, καὶ ἀργύριον αἰτεῖ καὶ μαθητὰς συλλέγει, περὶ αὐτῶν τού·

\(^a\) οὔδὲν Ζ cum Σ. οὔδει Bekk.
\(^b\) οἴματι Z. Cf. Veitch, Gk. Vbs. s.v.

basilea kaloymenov, tovs d' anaktas tas de anadosas. A. somewhat similar oath is found in Or. 48 (Olymp.) § 2, μὰ τὸν Διὰ τὸν μέγιστον. S.]
ti toutow] 'Any matters of that sort,' viz. so little concerning an ξύμπος. καταφρονοῦντας] 'Conceited,' Hesych. καταφρονεῖ· ὑπερήφανε. But it may be doubted if αλλων has not dropped out.
oimoxoménov] 'Who should be made to smart for it.' Kennedy. Or, 'who will come to grief,' as we say. So Ar. Pac. 756 ἐκατὸν κεφαλαί κολάκων οἰμωξομένων.

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

\(^{41}\) εἰδώς τὰ πεπραγμένα| 'With a full knowledge of (the dishonesty of) the transactions they were engaged in.'

\(\text{ταῦτα γὰρ} \) 'For this is just what he professes to be clever in; for this he asks for money and collects pupils, engaging to instruct them on these very points.' So in Or. 19 § 48 (παραπροσβ. p. 356), καὶ ἐπανέσαι δὲ Φιλίππον ὁτι ἐπαγγέλλεται τὰ δίκαια ποιήσειν. Here is a distinct charge against the Sophists of teaching ἀδίκα, dishonesty.

μαθητὰς συλλέγει:] Apart from his own brothers Artemo and Apollodorus, referred to in the next §, we find one other pupil of Lacritus in Archias of Thurii, ὁ κληθεὶς φυγαδοθήρας, 'nick-named the hunter of exiles,' from being employed (under the
orders of Antipater, in b.c. 322] to seize the orators who had fled from Athens — amongst others Hyperides and Demos- thenes himself. Plutarch, Dem. 28, "Ερμιππος τὸν 'Αρχιάν ἐν τοῖς Δακρίτοις τῶν ρήτοροι μαθητὴν ἀναγράφει. S."

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

[διδασκάλω] Isocrates, cf. §§ 15, 40.

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

ἀλλὰ τί] See on § 17.

τοῦτων δὲ τὶ βούλεται κ.τ.λ.] Or. 43 (Macart.) § 41, τοῦτων δὲ τὶ βούλεται τις μαρτυρησάτω αὐτῷ, quoted by Blass, Att. Ber. iii 505, who ascribes this speech to the same author as Or. 43. S.

τῶν συμ. τῶν ἔμ.] 'Who sit to try these cases of mercantile contracts,' A mere synonym of δίκαι ἐμπορικαί, and distinct from those questions of international law, or right of appeal from the citizens of one state to the tribunals of another, known as δίκαι ἀπὸ συμβολαίων, and συμβολαία δίκαι. The phrase again occurs in § 47.
Supposing the contrary had happened, that I had owed Lacritus' deceased brother the money which he owed to me; would Lacritus then have relinquished the property, or omitted to sue me? Or again, if any one of you had put in a special plea in bar of his claims, would he not have insisted that the case was a mercantile suit, and as such could be tried in this court?

κατακέχρηται] 'Lavishly uses.' The κατά in this verb, which commonly means abuti, has the same force as in καταχρίζεσθαι, καταπροδοῦναι, &c., and means 'to use up,' or, 'use away,' ἀναλίσκεσ. But to use in excess is to abuse.

eἰσπέτρακται] In the medial sense. See on § 26.

45. αὐτὸς] sic. οὐσπερ νῦν ἡμείς ἀναγκασθούμεν.—παρανομεῖσθαι, that he is being dealt with in a manner not contemplated by the laws.

ἐπειτα, κ.τ.λ.] 'Then, Lacritus, if you consider this just for yourself, why should it not be just for me? Are not the same laws enacted for all? Have not all the same rights in regard to mercantile actions?' Kennedy.
§§ 45—48

This shows that the granting a paragraphe was by voting, as in an ordinary verdict.

δικαζόντων ύμων νυν τάς ἐμπορικὰς δίκας] The courts of Commerce held their sittings during the season of the year in which navigation was suspended. Cf. Or. 33 § 23, αἱ δὲ λήξεις τῶν δικῶν τοῖς ἐμπόροις ἐμμηνοὶ εἰσὶν ἀπὸ τοῦ βοηθομανοῦν μέχρι τοῦ μονονυμίου (i.e., from about September to April), ἵνα παραχρῆμα τῶν δικαλῶν τυχόντες ἀνάγωνται. The present passage helps to fix the date of the speech. We know that in B.C. 355, the date of Xenophon’s treatise on the Revenue of Athens (πρ]), this prompt settlement of commercial cases had not yet been introduced; for he proposes by way of remedy that a prize should be given to the officer of the harbour who gave the most expeditious and equitable decision. But in B.C. 345–2, the date of the speech on Halonnesus, the improved system had already come into force, as the speaker (Hegesippus) referring to the times of Amyntas says, ἐμπορικὰ δίκαι ὑμᾶς ὡσπερ νῦν ἀκριβεῖς αἱ κατὰ μῆνα. (Dem.) Or. 7 § 12. Cf. Introd. p. 52, and note on Or. 37 § 2. §] ίκανον εἰναι] i.e., ἄρκειν, ᾧ λιὰ εἰναι.

προσοφλὸντα] ‘For having been condemned in costs, and if we fail to pay them.’ The ἐπωβελία is meant, which was a penalty of a sixth part of the assessment of the suit (an obolus for every drachma), claimed by the defendant—in this case by Lacritus—if the plaintiff failed to obtain a fifth part of the votes.

§§ 47—9. If we, exercising the profession of money-lenders in your mart, are to be not only robbed, but fined (with the ἐπωβελία) and imprisoned, for not paying it, it would be a hard case. If our claim cannot be tried here, to what other court can we resort? Certainly not to the Archons, nor the strategi, who have nothing to do with mercantile suits, whereas both I and your brother Artemo are merchants.
στερούμενοι ὑπὸ τῶν δανεισαμένων καὶ ἀποστεροῦντων ἀπάγοντο εἰς τὸ δεσμωτηρίον; ταύτ’ ἐστιν, ὁ Λάκριτε, ἃ τούτους πείθεις; ἀλλὰ ποῦ χρὴ λαβεῖν δίκην, ὦ ἄνδρες δικασταὶ, περὶ τῶν ἐμπορικῶν συμβολαίων; παρὰ ποιὰ ἀρχὴ ἢ ἐν τίνι χρόνῳ; παρὰ τοῖς ἔνδεκα; ἀλλὰ τοιχωρίους καὶ κλέπτας καὶ τοῖς ἀλλοις κακοῦργοις τοὺς ἐπὶ βαθάτῳ οὕτω εἰσάγονσιν. ἀλλὰ παρὰ τῷ ἀρχοντι; οὐκοῦν ἐπικλήρους καὶ ὀρφανοῦν καὶ τῶν τοκέων τῷ ἀρχοντι προστέτακται ἐπιμελείσθαι. ἀλλὰ νὴ Διὰ παρὰ τῷ βασιλεί; ἀλλ’ οὐκ ἐσμὲν γυμνασίαρχοι, οὐδὲ ἀσεβείας οὐδένα γραφόμεθα.

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

ἐν τίνι χρόνῳ;] For mercantile suits were held only occasionally, "They were tried before the Thesemothetae during the six winter months, while the ships were laid up in harbour, and the judges were compelled to bring them to a final decision within a month." (Kennedy, argum. against Zen. Or. 32.) Hence they were called ἐμμηνοὶ δίκαι Or. 33 § 23, quoted on § 46. See the commencement of Or. 33, πρὸς 'Απατοῦριον:— τοῖς μὲν ἐμπόροις καὶ τοῖς ναυκλήροις κελεύει ο νόμος εἶναι τὰς δίκας πρὸς τοὺς θεσμοδέτας, ἐὰν τι ἄδικοντα ἐν τῷ ἐμπόρῳ ἡ ἐνθύνει πλέοντες ἡ ἐτέρωθε δεῦρο.—τοῖς ἐνδέκα, 'the criminal court,' the 'eleven' having the custody of as well as the jurisdiction of prisoners on capital charges, οἱ ἐπὶ βαθάτῳ (ὑπαγόμενοι). [K. F. Hermann's Public Antiquities § 139.]

48. τῷ ἀρχοντι] 'The Archon,' i.e. the ἐπόνυμος. See Or. 37 § 33, ὁσα εἰς ἐπικλήρους, πρὸς τὸν ἀρχόντα. As guardian generally of orphans and heiresses, the chief Archon was the Lord Chancellor of Athens. [Hermann's Public Ant. § 138, 6.] It may be questioned if the clause καὶ τῶν τοκέων is not here an interpolation, resulting from a gloss on ὀρφανοῦν. Or must we suppose that claims of parents to be maintained by their children (γραβοσκεεσθαι) came into the court of the chief archon? [Blass objects to the word τοκεῖς as 'undemosthenic,' Att. Ber. i1 506. S.]

τῷ βασιλεί] The 'King-Archon' represented the religious part of the duties of the king of old, as the Roman Pontifex and Rex Sacrificulus did. The games were a part of the public religion, and so any complaints on that head fell under his cognizance, as well as ἀσεβεία, any kind of disrespect to the gods or the temples. Cf. Androt. p. 601 (Or. 22 § 27), τῆς ἀσεβείας κατὰ ταύτα ἐστιν ἀπάγεων, γραφέσθαι, ὁικάζεσθαι πρὸς Εὐμολπίδας, φρα—
early times, he was the Minister of War and even the chief commander, like Callimachus of Aphidnae at Marathon, Herod. vi. 109 (τὸ πολεμάρχος ἄνδρων ἅγιον Ἀθηναίων ἄδελφον τοῦ πολεμαρχον ἐποιεῖτο τοῖς στρατηγοῖς). [Hermann's Public Ant. § 138, 10.]

ἀποστάσιον and ἀπροστάσιον were respectively applied to the case of a μέτοικος leaving, or acting without the sanction of, the προστάτης or patron under whom he had been enrolled (ὅν ἐπεγράφατο), and the refusing to be enrolled. Hesych. ἀπροστάσιον δίκη· κατὰ τῶν προστατῶν μὴ ἀπογραφαμένων (l. ἐπιγρ.) μετοίκων.

[Harpocr. εἰδὸς δίκης κατὰ τῶν προστατῶν μὴ νεμόντων μετοίκων. There were two speeches of Hyperides κατ' Ἀρισταγόρας ἀ-προστασίων, fragments of which are still extant. S.]

οἱ στρατηγοὶ Briefly put for εἰσέβαιναι παρὰ τοῦ στρατηγοῦ· καθιστῶν] 'They appoint,' 'settle disputes about,' viz. by taking cognizance of and hearing claims respecting the ἀντίδοσις, or offer of exchange of property. Or. 42 § 5, τοῦ γὰρ μεταγενεσίως μηνὸς τῇ δευτέρᾳ ισταμένου ἐπόλου ὁι στρατηγοὶ τοὺς τριακοσίας τάς ἀντιδόσεις. Hence the phrase ἀντιδόσεις τριαρχίαν, Mid. p. 539 (Or. 21 § 78).

49. The article before ἐμ-πορικά seems at least unnecessary to the sense. Perhaps however we should read ἐμπορικὰ τὰ χρήματα, 'who got from us money to be used in trade.'

οὗτω δεινῶ] 'So clever.' Again a stroke of satire against the Sophists, whom Plato so often calls δεινῶ ἄνδρες.

§ 50. It is fortunate that the bond expressly stated that the money was lent 'to Pontus and back to Athens.' For otherwise he might have carried his
application for a special plea against me, the law forbidding the lending of money for any other mart than Athens.

τὸ τούτου μέρος] ‘As far as he was concerned,’ i.e. as far as he could imperil me by making me pay the ἐπωβελία (§ 46) and succeeded in quashing my suit by a παραγραφή. Cf. Soph. Trach. 1215, οἷς καμὲν τοιμὼν μέρος, ‘you shall not suffer through deficiency on my part.’

[‘C'est là un artifice oratoire. La loi dont il s'agit ne pouvait pas s'appliquer aux cas de force majeure.’ Dareste. S.]

ἐάν τις, κ.τ.λ.] Cf. Or. 34 §37, and Lycurg. adv. Leocr. § 27, οἱ ύμέτεροι νόμοι τὰς ἐσχάτας πισμωρίας ἀρίθμουν εάν τις Ἀθηναίων ἄλλος ἐπὶ σιτηρησία ἢ ὡς υμᾶs.


dιάλασον ἡ Ἀθηναῖε] This was the worst form of ‘protection,’ since it tended to make corn a monopoly at Athens.

51. ἐν οὔτοι κύριοι εἰσι] viz. any slave or agent in their employ.

καὶ τάλλα τὰ γ.] Equivalent to our form ‘and so on,’ ‘et cetera.’ Only one or two clauses are quoted. But the law, as remarked on § 10, is spurious. The phrase ἐκδοναι, for προέσθαι or δανείσθαι, is by no means common, though ἐκδοσια seems sometimes so used. (Boeckh, P. E. p. 132.)
52 * 'O μὲν νόμος, ὁ ἄνδρες δικασταί, οὗτοι χαλεπώς ἐστιν οὗτοι δ’ οἱ μιαρότατοι ἀνθρώπων ἀπάντων, γεγραμμένονον διαρρήθην ἐν τῇ συγγραφῇ Ἀθηναζε πάλιν ἤκειν τά χρήματα, εἰς Χίων ἐπέτρεψαν καταχθήναντες ἀπό τούρπων ἐδανείσαυστο Ἀθηνηθήνεθεν παρ’ ἡμῶν. δανειζομένου γὰρ ἐν τῷ Πόντῳ τοῦ ναυκλήρου τοῦ Φασηλίτου ἐτερα χρήματα παρὰ τινος Χίου ἀνθρώπου, οὐ φάσκοντος δὲ τοῦ Χίου δανείσεως, ἐὰν μὴ ὑποθήκην λάβη ἀπανθάνον ἤν περὶ τῶν ναυκλήρων, καὶ ἐπιτρέπωσι ταῦτα οἱ πρότερον δεδανεικότες, ἐπέτρεψαν ταῦτα ὑποθήκην γενέσθαι τῷ Χίῳ τὰ ἡμέτερα καὶ κύριον ἐκείνον γενέ- 942
53 σθαὶ ἀπάντων, καὶ οὗτος ἀπέπλεον ἐκ τοῦ Πόντου

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1 καὶ τὰλα—ἀυτῶν. ‘Seiunximus hæc verba a reliquis cum nobis viderentur non esse legis ipsius.’ Z.

mó τούτων Berek. 1824.

n ‘corrig. γεγραμμένον διαρρήθην, quum esset diserte scriptum.’ Cobet, Miscellanea Critica p. 86; idem dederat Bekker 1824.

thaas] The action for contraband trading, —ἐπιμελητάς, sc. λιμένων, or ἐμπορίου, the overseers or harbour-masters. [They were ten in number. See Meier and Schömarn, p. 86.] —ἀπογραφή, see Or. 34 § 7.

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

to ναυκλήρου τοῦ Φ.] See sup. § 19.

περὶ τῶν ναυκλήρων] ‘With, and in custody of, the skipper.’ The word ἀπαντα is emphatic: he would have the whole cargo, and therefore the property of Androcles was included. Such a transaction appears to have been legal, provided the consent of the former lenders was obtained.
metà toû Æschylítoû naukλírhoû kai metà toû Xíon toû ðedanèikoûs, kai ðrmízontai eîn ð øwðwñ lìmeîn, eîs ðè toû òmetéronî òmeîrîmioû oûx òrmízant. kai νυνι, ò àndres díkastai, tà 'Aðhíneîn ðanéieðhentà ðrímata eîs toû Pòntou kai pâlîn êk toû Pòntou 'Aðhínaç eîs Xíon kathígmena èstîn ùpò toûtôn. òpèr oûn èn árχì 54 ùpeðèmèn toû lògou, òti kai òmeîs àdikeîseîthe ouîêv ÷tò tôw ðòntwûn ðmòw ðà ðrímata. skopeîte ð', ò àndres díkastai, ðwðs súnavđikeîseîthev, èpeîdàn tìs tôw nòômòw tôw ùmetéroû kreiûttaû ëgχeîrì ëîwî kai tàs sùggráfàs tàs ñautîkas àkûròus póîî kai katalûr, kai tâ ðrímata tâ par' ðmòw eîs Xíouñ ðiâpèstâlkoç, ðwðs oûk àdikeî ð toîoitûs ànðrîwtoç kai ùmàs;

π ðwð oûk àdikeîseîthe Bèkk. 1824.

53. èn ðwðwñ lìmeîn] See § 28. kathígmena] Cf. § 52, kataçthînai. Æschylus has pròsgymènòn, 'brought up' (beached) by windlasses or capstans, said of a ship. Suppl. 441.
54. òpèr—skopeîte ð'] 'This then is precisely what I took for granted at the beginning of my address.' Mr Mayor suggests the placing of a comma instead of a period at toûtôn, 'goods have been taken by them to Chios, proving the truth of my remark that the city itself loses.' In this case it would surely be better to omit òwû. There seems to be something wrong in this passage. Either ðti should be omitted, or, if it be retained, we should read skopeîte ëk tòwðe for skopeîte ð' ò k.ò.ä. 'What I said at first, that you also are wronged, consider from this point of view (that ye may see) how you share in the wrong done; (for) when a man attempts to make himself superior to your laws, surely he does involve you in a common injury.' Even the clause ðwð súnavđikeîseîthe might be omitted without detriment to the sense.

[With the whole passage cf. Or. 48 § 55 àtta (the speaker's wife and daughter) ãàì ìwîn aî àdikûmènà oûx ÷tò tôw îmòw, ìlûa kai ìlûaî. ðwð ãàì ðàr oûk àdikûntaî ÷ ïwð ñw ìeîwà ðáðchòswùn, èpeîdàn ðròswì...àntaî ðè...ëçìwìn àntaî, ðwð oûk èkëînà ìlûaî ðàì àdikûntaî ÷ ìwî; Blass (Att. Ber. iii 505), who quotes this parallel, attributes the present speech to the same author as Or. 48. §.]
diâpèstâlkoç] A happy term for 'dispatching goods to different destinations other than what the law allows.' Mr Penrose fails to see the true force of the ðìà in composition.
55  'Εμοι μὲν οὖν ἐστίν, οὐ ἀνδρὲς δικασταί, πρὸς τούτους ὁ λόγος: τούτους γὰρ ἔδωκα τὰ χρήματα. τούτους δὲ ἐσταὶ πρὸς τὸν ναῦκληρον ἐκεῖνον τὸν Φασηλίτην, τὸν πολίτην τὸν αὐτῶν, ὑ φασὶ δανείσαι τὰ χρήματα ἄνευ ἡμῶν παρὰ τὴν συγγραφὴν οὐδὲ γὰρ ἡμεῖς ἵσμεν τίνα ἐστὶ τὰ πεπραγμένα τούτους πρὸς τὸν ἐαυτῶν πο- 
56 λίτην, ἀλλ’ αὐτοὶ οὕτωι ἱσασίν. ταῦτα ἡγούμεθα δίκαια εἶναι, καὶ ὡμῶν δέομεθα, ὡς ἄνδρες δικασταί, βοηθεῖν ἡμῖν τοῖς ἀδικουμένοις, καὶ κολάξειν τοὺς κακοτεχνοῦν- 
tas καὶ σοφιζομένους, ὥσπερ οὕτωι σοφίζονται. καὶ 
ἐὰν ταῦτα ποιήτε, ὡμῖν τε αὐτοῖς τὰ συμφέροντα ἐσε- 
σθε ἐψηφισμένοι, καὶ περιαιρήσεσθε τῶν πονηρῶν 
ἀνθρώπων τὰς πανουργίας ἀπάσας, ὅς ἐνιοί πανουρ- 943 
γούσι περὶ τὰ συμβόλαια τὰ ναυτικά.

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

ψ φασὶ δανεῖσαι] § 36.

ἐσεθε ἐψηφισμένοι] The Greeks 
have no tense corresponding to 
the Latin future perfect indica- 
tive, fuero, &c. They use there- 
fore ἐσομαί with a past participle, 
as Aesch. Suppl. 454, λέξων, τῆν 
ἂνθὴν τῆς γηροθείσης ἐσεῖ; Soph. 
Ant. 1067, νέκνυν νεκρῶν ἄμοιβδν 
ἀντιδοὺς ἐσεῖ. Cobet gives a great 
many examples in p. 321 of his 
Variae Lectiones.

περιαιρήσεσθε] 'You will rid 
yourselves of all the villainous 
artifices of these unprincipled 
men,' Kennedy translates 'you 
will deprive the swindlers of 
those artifices,' &c. But it is 
more probable that αἰρήσομαι 
(like λέξωμαι, τιμήσομαι &c.) is 
here passive = αἰρεθῆσομαι. The 
idiom is here the same as in 
the more familiar ἀφαίρεθηναι τι.
This is an important and rather difficult speech. As conveying much and curious information about mining operations and the laws which regulated them, it is unique in the writings of the orators, though Xenophon touches upon the subject, if the treatise περὶ πόρων, 'on the Athenian Revenues,' is rightly attributed to him. Dismissing for the present any discussion on this topic,

1 The student will find ample information upon it in Kennedy's long and careful Introduction, p. 219—24 (in Vol. iv of his Translation of Demosthenes), and in Boeckh's Dissertation on the silver mines of Laurion in p. 615—678 of the "Public Economy," translated by Lewis, Ed. 2. [See also K. F. Hermann's Lehrbuch der Griechischen Privatalterthümer, § 14, 17, and Büchsen- schnüts, Besitz und Erwerb im Griechischen Alterthume, pp. 98—103. In the time of Strabo (fl. B. C. 24) the silver mines were nearly exhausted: ἰχ 23, p. 399, τὰ δ' ἄργυρεια τὰ ἐν τῇ Ἀττικῇ κατ' ἄρχας μὲν ἦν ἀξίω- λογα νυνι δ' ἐκλείπειν καὶ δὴ καὶ οἱ ἐργαζόμενοι τῆς μετάλλειας ἀσ- θενῶς ὑπακούοντις τὴν παλαιὰν ἑκβολάδα (unsmelted ores left by the old workers, the Cornish 'attle') καὶ σκωλάν ('slag') ἀνα- χωνεύοντες εὐρυσκόν ἐτι ἐξ αὐτῆς ἀποκαθαρίσμενον ἄργυρον, τῶν ἄρ- χαλων ἀπείρως καμμενόντων. The right to work this refuse ore (as well as the slag) was from 1869 to 1873 one of the points in dispute between the Greek government and a commercial company, MM. Roux et Ser- pieri. An interesting account of the origin of the quarrel, with some correspondence there- on, may be found in the Times for 9th, 10th, 12th and 16th Oct. 1872, and 10th Aug. 1875; and a lively description of a visit to the works of one of the Greek companies is given in Mahaffy's Rambles and Studies in Greece, pp. 117—131, 1876. In April 1886, by the kindness of MM. Serpieri and Pellissier, Mr Sandys visited some of the more ancient portions of the extensive mines of the French company which sends its lead to Newcastle, and its zinc to Swansea and Antwerp. S.]
we shall endeavour to state the nature and grounds of the action as briefly and clearly as the somewhat complex and involved argument allows.

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

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

The transaction being concluded, Nicobulus goes abroad for a time, and during his absence Evergus, failing to obtain the promised rent as interest, takes possession on his own account, and apparently with undue rigour, of the mine, the slaves, and even of the ore raised. For this Pantaenetus eventually brings an action against him (probably on some technical ground of illegality¹), and obtains a verdict, with the heavy damages of two talents. (§ 46.)

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

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

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

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

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

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

ΥΠΟΘΕΣΙΣ.

Πανταίνετος παρὰ Τηλεμάχου τινὸς ἐργαστήριον μεταλλικὸν ἐν Μαρωνείᾳ (τότος δὲ οὗτος τῆς Ἀττικῆς) καὶ μετὰ τοῦ ἐργαστηρίου τριάκοντα τὸν ἄριθμον οἰκέταις ὅνομιμοι, δανείζεται παρὰ μὲν Μνησικλέους τάλαντον, παρὰ δὲ Φιλέου καὶ Πλεῖστορος πέντε καὶ 5 τετταράκοντα μνᾶς. καὶ ἦν ὄνυτής ἐγγεγραμμένος ὁ

1. Argument ἐργαστήριον μεταλλικὸν ἐν Μαρωνείᾳ (τότος δὲ οὗτος τῆς Ἀττικῆς) καὶ μετὰ τοῦ ἐργαστηρίου τριάκοντα τὸν ἄριθμον οἰκέταις ὅνομιμοι, δανείζεται παρὰ μὲν Μνησικλέους τάλαντον, παρὰ δὲ Φιλέου καὶ Πλεῖστορος πέντε καὶ 5 τετταράκοντα μνᾶς. καὶ ἦν ὄνυτης ἐγγεγραμμένος ὁ

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2. Μαρωνεία] ‘The mining district, besides the demi Anaphystus, Besa, Amphitrope, and Thoricus, contained several places which were not demi, as Laureium, Thrasyllym, Maroneia, Aulon’ (Leake’s Demi, p. 274).—The place may perhaps be identified with some ruins

five miles N. of Sunium. S.

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

6. ὄνυτής] ‘The name of Mnesicles was written in the bond as the purchaser (viz. from Telemachus, § 5), and he retained the deeds of sale of the property himself.’ In effect, the mine belonged to Pantaenetus, but it was conveyed to Mnesicles as security for the loan. Mnesicles therefore has the right of sale, and in fact does afterwards sell the property to Evergus and
Nicobulus, the latter of whom (as we have seen) is the defendant, and is now maintaining his right to a ἀργαρία as against Pantaenetus.

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

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

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

23. παρὰ] During or pending Nicobulus' absence at Athens Evergus becoming dissatisfied with Pantaenetus for not paying the interest (or rent) regularly, goes to the mine to take possession (cf. Or. 33 § 6, οἱ χρησταὶ κατῆπειγον αὐτὸν ἀπαιτοῦντες καὶ ἐνεβάτενον), and even seizes from a servant of Pantaenetus some money that was being conveyed for payment of the royalty to the state.
P. 964. \textbf{ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ.} 95

tάδε γίγνεται. ὁ Ἑλεργος ὁ κοινωνός τοῦ δανείσματος, αἰτιώμενος τὸν Πανταίνετον ὡς οὐδὲν τῶν συγκειμένων 25 ἐθέλοντα ποιεῖν, ἐλθὼν ἐπὶ τὸ ἐργαστήριον κατείχεν αὐτοῦ, καὶ δὴ ἄργυριοι φυλάξας ἐκ τῶν μετάλλων Πανταίνετος κομίζομενον, ὅπερ ἐμελλεν εἰς τὸ δημόσιον καταβάλλειν, ἀφείλετο τὸν κομίζοντα οἰκήτην βία: παρὸ καὶ διπλῆν εἰς τὸ δημόσιον κατέβαλεν, ὡς ἔφη, 30 τὴν καταβολὴν ὁ Πανταίνετος, τῆς προσηκούσης προθεσμίας δὲ Ἑλεργον ἐκπεσόν. ἐπὶ τούτων καὶ δίκην ἔλαχε τῷ Ἑλεργῷ βλάβης, καὶ εἶλεν αὐτὸν. ὡς δὲ ἐπανῆκε καὶ ὁ Νικόβουλος ἐκ τῆς ἀποδημίας καὶ δανεισταὶ πολλοὶ τινες ἀνεφαίνοντο τοῦ Πανταίνετον 35 πρότερον ἀγνοοῦμενοι, λόγων πολλῶν λεγομένων πέρας συνέβησαν ὡστε Νικόβουλον μὲν καὶ Ἑλεργον ἀπολαμβάνοντας ἐκατόν καὶ πέντε μνᾶς ἀποστῆναι τοῦ ἐργαστηρίου καὶ τῶν ἀνδραπόδων, ταῦτα δὲ τοὺς ἑτέ-

26. κατείχεν] In late Greek, this seems to mean ‘took possession of,’ \textit{obtinuit}, in the sense of \textit{eɪxeto}.

30. παρὸ, κ.τ.λ. ‘Through which transaction as a further wrong (καὶ) Pantaenetus had to pay the sum due twice over, having exceeded the time allowed for remitting it.’—See Boeckh Dissert. &c. p. 665.

[Owing to the intervention of Eubulus, Pantaenetus was thwarted from (ἐκπεσόν) paying the ‘royalty’ by the proper time, viz. the 9th of the 10 πρωταναία into which the year was divided. Andoc. de Myst. § 73, ὁ μὲν ἄργυριον ὄφειλοντες τῷ δημοσίῳ τούτῳ ἡ μὲν έκτας ἡν ἐπὶ τής ἐνάρθησ πρωταναίας, εἴ δὲ μη, διπλάσιον ὄφειλεν. Cf. Or. 59 § 7, and K. F. Hermann, \textit{Privatalterthümer} § 71, 12—Rechtsalterthümer ed. Thalheim § 16 p. 108. S.]

33. ἔλαχε] sc. Pantaenetus.—εἶλεν, he obtained a verdict. The precise grounds on which he succeeded in this action for damage we are not told, and, as Kennedy says, we cannot determine. (See Introduction.)

36. πέρας ‘At last,’ or ‘as a final arrangement.’

38. ἐκατόν καὶ πέντε μνᾶς] viz. the full sum they had jointly lent Pantacueto.—ἀποστῆναι, ‘they were to give up possession.’ Cf. Or. 35 § 4.

39. τοὺς ἑτέρους δανεισαυτας] The parties (not named) who had furnished Pantaenetus with the money for payment, and who thus obtained the right of sale and the legal conveyance of the mine, § 13. They are called ἑτεροί in contrast with ὁ πρῶτος δεδανεικός ὁ Μηνιακής, supra l. 14.
40 ρους δανείσαντας ὀνείσθαι. πάλιν δὲ οὐκ ἐθελόντων τῶν δανειστῶν ὀνείσθαι τὰ κτήματα, εἰ μὴ πρατήρες αὐτοῦ καὶ βεβαιωταὶ γίγνοντο Νικόβουλος καὶ Εὔφωνος, πείθεται ὁ Νικόβουλος καὶ ὑπ’ αὐτοῦ Πανταίνετον, καθὰ φησιν, ἀξίουμενος, οὐ πρότερον δὲ ἀνεδέξατο, 45 πρὶν τὸν Πανταίνετον ἀφεσιν αὐτῷ παντὸς ἐγκλήματος δούναι. ὁ δὲ Πανταίνετος ἔδωκε μὲν τὴν ἀφεσιν καὶ ἐπράθη τὰ κτήματα, οὐδὲν δὲ ἦττον καὶ τοῦτῳ τὴν αὐτὴν ἦντερ Εὐέργῳ δίκην εἶληχε, μεταλλικὴν ἐπιγράφων τὴν δίκην, ὡς δὴ τῶν τε τὰ μεταλλα ἐργαζόμενων εἰς ὅν καὶ περὶ μεταλλον ἡδικημένοις. ἐγκαλεῖ δὲ τῷ Νικόβουλῳ καὶ περὶ τῆς τῶν χρημάτων ἀφαιρέσεως τῶν ὑπὸ τοῦ οἰκέτου κομιξομένων, καὶ περὶ τῆς τοῦ Εὐαγγελίου καὶ τῶν ἀνδραπόδων πράσεως παρὰ τὰς συνθήκας γεγενημένης, καὶ μὲντοι καὶ περὶ ἐτέρων τινῶν. ὁ δὲ Νικόβουλος παραγράφεται τὸν ἀγώνα καθ’ ἑνα μὲν ἐκείνον νόμον τὸν κελεύουσα, περὶ ὅν ἂν ἀφεσις καὶ ἀπαλλαγὴ γένηται, περὶ τοῦτων μηκέτι ἐξεῖναι δικαζόσθαι, καθ’ ἐτερον δὲ ἐκείνον, ὃς διαρρήδην καὶ σαφῶς ὀρίζει περὶ τίνων δεῖ τὰς μεταλλικὰς δίκας

44. ἀνεδέξατο] Nicobulus refused the responsibility of giving a title till Pantaenetus gave him a formal release from all claims. For the title would not have been good if there were any former claims or mortgage upon it. Inf. § 30, οὐδεὶς γὰρ ἢθελε δέχεσθαι τούτων πρατήρα. 47. οὐδὲν ἦττον] i. e. in spite of the release having been given. 48. ἐπιγράφων] Indorsing the action as a 'mining cause'; just as other suits were marked ἐμπορικαί, &c. The defendant pleads this, as one ground for the παραγραφή, that it was improperly so indorsed. 53. πράσεως παρὰ τὰς συνθήκας] There must have been a clause in the bond between Nicobulus the lender and Pantaenetus the borrower, that Nicobulus should not have an absolute title to sell the property. Pantaenetus, it seems, desired to retain the right of redemption. 54. περὶ ἐτέρων τινῶν] See §§ 32, 33. 56. περὶ ὅν ἂν ἀφεσις, κ.τ.λ.] See Or. 36 § 25. 59. περὶ τίνων δεῖ] This anticipates the objection (64) that the plaintiff, Pantaenetus, 'had joined in one plaint various causes of action which could not be tried together before the same tribunal,' Kennedy.
eisághein, ón oúdein peposthota Pantaíneton átopos 60
phoi metallikōn dikaíōsos díkηn. kai μην kai tritow
paréxhetai nómov, ós diarpep peri πολων ēγκλημάτων
poeia chrē krínein dikaísthría kai poías ērgas eisághein
tis díkαs. Pantaíneton dé phos para too toú tou poiein
tow nómov, poikila ēgklēmata eis taúton mίzananta kai 65
peri pánwv en to méllallikō dikaísthría tin kath-
γορλίαν poioúmenon. to ρ μεν ouν peri tis afésesos
nómov kai ἄρχας kékhrētai, toîs dé dúo toîs étεrôs epî
tou télovs, kai ērgomaios apô tis paraγrαφής kai
λήγων eis taútvn. en de mésov tin eîbvdiklán petoîh- 70
kevn, ἂs mégiostov kai isχyrotatów èstiv, óti mīde épri-
966 dhmvwn ètúgyxane tòte Nikóboulos, òte Pantaínetos
èpasphein ékeina, éf' ois tòte Eúrēkho kai vàv Niko-
boúlov tin díkηn eîlēxheu.

Δεδωκότων, ὃ άνδρες dikaístai, tòw nómov πα-
raγrάφασθαι peri oin án tis aféis kai ápallákας di-
kάζhtai, γεγενημένων áμφοτέρων μοι τούτων b πρός

60. átopos, k.t.l.] That it is
quite out of the way to bring
these points into a mining suit.
'That the subject of the dispute
did not authorise a mining
action,' Kennedy.

68. kékhrētaiv] viz. as entitling
him to bar the action, and plead
'not maintainable,'—eîpi toû té-

70. tin eîbvdiklán] i.e. tin
eîdeian. 'The merits of the case,'
Argum. Or. 34. The strongest
point in what would constitute
an ordinary defence, is the
pleading an alibi when the
alleged outrage took place.

71. óti mōde] Observe the sole-

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the note there (cf. § 19 infra). The latter verb implies the release under proper authority (κυρία) from all further trouble or obligation about any matter, as ἀπάλλαγη πόνως, Aesch. Ag. 1, ἐν τὸ πάν σε τώον ἀπάλλαξαι πόνως, Eum. 83. The two words are very often combined, as πάντων ἀφεθεὶ τῶν ἐγκλήματων καὶ ἀπάλλαξις, § 16; ὡν ἄν ἀφῇ καὶ ἀπάλλαξις τίς, § 19; ἤνικα ἀφείμην ὑπὸ τούτου καὶ ἀπάλλαξιν, § 17. The two acts are very frequently pleaded as the ground of a παραγραφή, e.g. πρὸς Ναυσίμαχον, Or. 38 § 5, ἀκούστε, ὥς ἀνδρὲς δικασταὶ, τοῦ πόλον σαφῶς λέγοντος ἐκαστα, ὡν μὴ εἰναι δικαίωτον ἢ ἐν ἑστὶν, ὁμοίως τοῖς ἄλλοις κύριοι, περὶ ἄν ἄν τίς ἀφῇ καὶ ἀπάλλαξῃ, μὴ δικάζεσθαι.

[Or. 38, πρὸς Ναυσίμαχον, contains several striking parallels to the present speech, e.g. 38, § 4, compared with § 18 infr.; also passages in 38, §§ 21 and 22, which are almost identical with §§ 58—60 infr. L. Schaefer, Dem. u. s. Zeit, πρ 2, 210 n. S.]

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

καὶ ἀπάλλαγμένον] ‘And that he had been got rid of.’ But it is likely that the two words are an interpolation. The first καὶ is used in reference to πρὸς ἀπασι τῶν ἄλλως, but the interpolator was thinking of the formula καὶ ἀφεῖς καὶ ἀπάλλαξις. The passive would require a change of subject from τοῦτον to ἐµέ. Nor does it seem likely that the passive could here have been used in the medial sense, which is wholly inappropriate.—ἐγγε- νέσθαι, ἐξείναι αὐτῷ.

τὶ τοῖοῦτον] viz. τὸ ἀφεῖναῖ με.

ἄλλα—ἐπιδείκιαι] To supply as the context rather requires, οἵ- μενος δὲ ἦν ἡσαχώτα ἄν εἰσελθόντοι. Hence we should rather understand δίνασθαι ἐπιδείκιαι, or perhaps read ἐπίδεικεαν, ἐπί, ‘relying on this plea,’ viz. that the action is an illegal one.

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

έμμήνων] Kennedy translates, 'as these actions last only for a month.' Or. 33 § 23, αἱ λήξεις τῶν δικῶν τοῖς ἐμπόροις ἐμπνεῦσα ἐλαὐν ἄπο τοῦ βοηθομενών μέχρι τοῦ μονωχαίνου, i.e. from September till April. Cf. Or. 35 § 46 n. Boeckh (P. Ecou. ed. 1, pp. 50 and 667, trans. Lewis) renders it 'monthly suits,' and on p. 667 explains it to mean that "it was necessary that judgment should be given within a month, the object being that the mine-proprietor might not be too long detained from his business." [In his 2nd ed., however, the rendering 'monthly suits' disappears, and the epithet is understood to refer to the 'decision of certain processes within a month from their commencement' p. 72, Lamb]. In Soph. El. 281, ἐμμήνα ίερά are clearly "monthly offerings."

παρ' αὐτὰ κ.τ.λ.] 'At the very time of the wrongs.' In Or. 32 § 7, for παρὰ ταδικήματα we should perhaps read παρ' αὐτὰ ταδικήματα. For the sentiment compare Thuc. iii 38, ἀμώνασθαι τῷ παθεῖν ὅτι ἐγγυ- τάτω κείμενον ἀντίπαλον ὑπὸ μᾶλλον ἡμῖν ἐν τῇ τιμωρίᾳ ἀναλυμβάνει (where perhaps ὑπὸ is an interpolation: the timoria is māλιστα ἀντίπαλον when it is recent). So Or. 36 § 53 πλησίον δυντὸν τῶν ἀδικημάτων ἐγκαλεῖς.

p. 967. ἐπηρμένοι] 'Elated,' put up to it, 'by having carried to a successful issue the suit against Evergus.' Thucydides generally uses ἐπαρξόμενος. Or. 32 § 10, we have τῷ ποίτῃ ἐπηρμένοις οὕτος κατεβάληθη. Eur. Andr. 705, μοῦχουσιν ἄλλων καὶ πῶνοι ἐπηρμένοι.

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

Deōsoma ky. t. ἅ. Or. 38 § 2 deōsoma de kai dikai kai métra υμόν ἀπάντων, πρώτον μὲν εὐνοίκως ἀκούσαμεν μοῦ λέγοντος κ. τ. ἅ. 

πολλῶν γάρ, κ. τ. ἅ.] Isaeus, the traditional teacher of Demosthenes, has a similar sentence in Or. 8 § 5, πολλῶν δὲ δικών ἐν τῇ πόλει γεγενήμενων, οὐδένα ἀναδεστέραν τούτων οὐδὲ καταφανέστεραν ἀντιποψιασμένου φανήσεται τῶν ἀλλοτρίων. Cf. Dem. in Aph. 1 § 7. 8.

φανησεται] φανῆσεται δὲί οὐδεὶς, κ. τ. ἅ.—δεδικασμένοι, in the medial sense, ‘has had tried,’ ‘has brought into court.’ The construction of the sentence is rather artificial. More usual would be οἱμαι μὴθεναι ἂν φανησαι, but οὐκ οἱμαι οὐδένα is meant.

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

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

Maresale] See note on Arg. 1. 2. 

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

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

5. καὶ γὰρ κ.τ.λ.] 'For Mnesicles had also bought the property for Pantaenetus.' For καὶ γὰρ see inf. 34. There were two reasons why Mnesicles was the legal vendor; first, he was the mortgagee, and secondly, he was the person in whose name the property had been bought for another. It appears from § 29, that it was by the express desire of the latter that it was sold to Nicobulus and Evergus. τόκου] 'For the interest accruing on the money.' The word γλύγνεσθαι is used in conformity with the proper sense of τόκος, which gives rise to a joke in Ar. Thesm. 845, ἄξια γοῦν εἶ τόκον τεκοῦσα τοιοῦτον τόκον. Cf. Shakspeare's 'breed of barren metal.' For the genitive see on Or. 34 § 40. The dative also follows the usual construction γλυψται υἱὸς τινι ἐκ τινος.

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

6. ἐπὶ Θεοφίλου ἄρχοντος] Nicobulus set sail in the spring of B.C. 347, in the ninth month of the Attic year (corresponding to the second half of March and the first half of April). S.] εἰς τὸν Πόντον] 'For the purpose of trading, as appears from § 10.
ēνθάδε ἦν καὶ Εὐεργος. τὰ μὲν δὴ πραξάθεντα τούτοις πρὸς αὐτοῖς, ἕως ἀπεδήμουν ἔγρα, οὐκ ἂν ἔχοιμι εἰπεῖν· οὔτε γὰρ ταύτα λέγονσιν οὔτ' ἀεὶ ταύτα οὐτός γε, ἀλλὰ τοτὲ μὲν ἐκπεσεῖν ὑπ’ ἐκείνου βία παρὰ τὰς συνθήκας ἐκ τῆς μισθώσεως, τοτὲ δ’ αὐτοῦ αἰτίον ἔαυτος πρὸς τὸ δημόσιον γενέσθαι τῆς ἐγγραφῆς, τοτὲ δ’ ἀλλ’ ὃ τι ἦν βούληται. ἐκεῖνος δ’ ἀπλῶς οὔτε τοὺς τόκους ἀπολαμβάνων οὔτε τῶν ἄλλων τῶν ἐν ταῖς συνθήκαις ποιοῦντος οὐδὲν τούτων, ἔλθων, παρ’ ἐκόντος τούτων λαβὼν ἔχειν τὰ ἐαυτοῦ· μετὰ δὲ ταύτ’ ἀπελθόντα τούτων ἥκειν τοὺς ἀμφισβητήσοντας ἀγοντα, αὐτῶς δ’ οὐχ ὑπεξελθεῖν ἐκείνοις, τούτων δ’ οὐχὶ κωλύειν ἔχειν ὀσπερ ἐμισθώσατο, εἰ ποιοὶ τὰ συγκείμενα. τούτων

_that he was ejected from the tenancy (lease) of the works by Evergus._

ἐκπεσεῖν ὑπ’ ἐκείνου] ‘That he was ejected from the tenancy (lease) of the works by Evergus.’ ἐκπεσεῖν is commonly used as passive of ἐκβαλεῖν. Cf. infr. § 59, ἐκβαλεῖν—ἐκπεσεῖν.

πρὸς τὸ δημόσιον] These words are rather obscure. We cannot construe τῆς ἐγγραφῆς πρὸς τὸ δ’, ‘of being registered as a debtor to the state,’ nor is αἰτίον πρὸς τι a common idiom. Perhaps the words are opposed to the ἰδια βλάβη, ‘in a public point of view.’ We have, however, γράφειν μίσθωσι πρὸς τινα, § 10.

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

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ἀπεδημοῖν] ‘His simple and consistent story is that;’ &c. This is opposed to oὐ ταύτα λέγονσιν above.

§ 8. If Pantaenetus was really wronged, as he says, he has got damages as assessed by himself against Evergus. But that is no reason why he should prosecute me who was then absent.
σιν, ύπο τοῦ Ἐνέργου, ἔχει δίκην ἣς ἐτιμήσατο αὐτὸς: εἰλε γὰρ αὐτὸν εἰσελθὼν ὡς ἴματι, καὶ οὐ δῆπον τῶν αὐτῶν παρὰ τε τοῦ πεποιηκότος δίκαιος ἐστὶ δίκην λαβεῖν καὶ παρ' ἐμοὶ τοῦ μηδ’ ἐπιδημοῦντος: εἰ δ’ ὁ Ἐνέργος ἀληθῆ λέγει, σεσυκοφάντηται μὲν, ὡς ἐοικεῖο, ἐκεῖνος, ἐγὼ δ’ οὐδ’ οὕτω τῶν αὐτῶν φεύγομι’ ἀν δίκην εἰκότως. ὡς οὖν ταῦτα πρῶτον ἀληθῆ λέγω, τούτων τοὺς μάρτυρας ἴμιν παρέξομαι.
theophytikôta, tôn δ' Εὐέργον ἔχοντα καὶ κρατοῦντα ὅν ἑωνήμεθα, θαυμαστῶς ὡς ἐλυπήθην, ὅρων τὸ πράγμα μοι περιεστηκός εἰς ἀτοπον ἢ γὰρ κοινωνεῖν ἔδει τῆς ἐργασίας καὶ τῶν ἐπιμελειῶν τῷ Εὐέργῳ, ἢ χρῆστην ἀντὶ τοῦτο τὸν Εὐέργον ἔχειν, καὶ πρὸς ἐκείνων πάλιν μισθωσιν γράφειν καὶ συμβολαίον ποιεῖσθαι:

11 τοῦτων δ' οὐδέτερον προμοῦνην. ἀνδῶς δ' ἔχον οἷς λέγω τοῦτοι, ἵδων τὸν Μνηστίκλεα τὸν πρατήρα τούτων ἡμῖν γεγενημένου, προσελθὼν ἐμεμφόμην αὐτῷ, λέγων οἷον ἀνθρωπὸν προοίμησε μοι, καὶ τοῖς ἀμφισβητοῦντας καὶ τί ταύτ' ἐστίν ἡρώτων. ἀκούσας δ' ἐκείνως τῶν μὲν ἀμφισβητούντων κατεγέλα, συνελ-

taσθαν is often used (e.g. in Or. 35 § 4) for giving up, or declining to take any property, especially a legacy. Cf. Or. 38 § 7, φασὶ γὰρ οἴκα ἀποδόθηκε τὰ πατρεῖα ὄν ἐκοιμώσεντο χρηστῶν, οὐδ' ἀποστῆκε τῶν δυντῶν. Or. 21 (Mid.) p. 573 init., ὡς εἰλεύ ἀποστᾶσ, 'having to give up what he had got from another by a verdict.'

ἔχοντα καὶ κρατοῦντα] It would seem from this that Evergus had commenced to carry on the works himself; and this explains what follows.

ἐσωνήμεθα] se. from Mnesicles, § 5.

περιεστηκός εἰς ἀτοπον] 'Had come to a pretty pass,' Kennedy.

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

§ 11. Accordingly, I went to Mnesicles and asked what it all meant, and who these pretended claimants to the mine were. But he only laughed, and said he would only care if we should meet them. As for Pantaenetus, he would also see that justice was done by him.

οἷς λέγω τοῦτοι] The dative depends on the sense 'being displeased by,' and may therefore be regarded as causal. Cf. Mid. § 108, ἐγώ γὰρ ἐννομοῖς χαλεπῶς ἐφ' οἷς—ὑβρισθην, ἐτί πολλῷ χαλεπότερον τούτος τοῖς μετὰ ταῦτα ἐννοα, where however ἐτί may be supplied from the first clause. See Shilleto on Thuc. i 77 § 3.

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

προοίμησε] 'That he had introduced such a person to me.' Kennedy. To be προοίμος to a man is to act as his patron and guarantee, and therefore to bring him forward in some relation to others. The accusative depends on the sense, like ψυχοφαντεῖν τινα, συνεντορεῖν τιν, inf. § 49. Euripides has προζεσεῖν τι, to introduce a subject for an oracular response, Ion 335, Hel. 146. In Or. 53 (πρός Νικόστρ.), § 13, προζεσεῖν τινα is used as above.
P. 970] ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ. 105

θεὶν δ’ ἐφ’ τούτους βούλεσθαι πρὸς ἡμᾶς, καὶ συνά- 
ξειν αὐτὸς ἡμᾶς, καὶ παρανέσειν τοῦτῳ πάντα ποιεῖν 
τὰ δίκαια ἐμοὶ, καὶ οὐσκεῖν πεῖσειν. ὡς δὲ συνήθθημεν, 12 
τὰ μὲν πολλὰ τί δει λέγειν; ἦκον δ’ οἱ δεδανείκεναι 
φάσκοντες τούτῳ ἐπὶ τῷ ἐργαστηρίῳ καὶ τοῖς ἄνδρα- 
πόδιοι, ἢ ἡμεῖς ἐπραμέθα παρὰ Μνησικλέους, καὶ 
οὔδεν ἦν ἀπλοῦν οὔδ’ ὑγίεις τούτων. πάντα δ’ ἔξελεγ- 
χόμενοι ψευδὴ λέγοντες, καὶ τοῦ Μνησικλέους βεβαι- 
970 οὖντος ἡμῖν, προκαλοῦνται πρὸκλησιν ἡμᾶς ὡς οὐ δε- 
ξομένους, ἢ κομίσασθαι πάντα τὰ χρήματα παρ’ αὐ- 
tῶν⁺ καὶ ἀπελθεῖν, ἢ διαλύσαι σφας ὑπὲρ ὄν ἐνεκάλουν, 
αιτιώμενοι πολλῷ πλείονοι ἄξια ἔχειν ὅν ἐδεδώκειμεν 
χρημάτων. ἀκουόμεν δ’ ἐγὼ παραχρῆμα, οὐδὲ βουλεύ- 13 
σάμενος, κομίσασθαι συνεχόρησα, καὶ τὸν Ἐνεργόν 
ἐπείσα. ἐπεὶ δ’ ἔδει τὰ χρήματ’ ἡμᾶς ἀπολαμβάνειν 
καὶ τὸ πράγμ’ εἰς τούτῳ προῆκτο, οὐκ ἔφασαν μετὰ 
⁺ αὐτῶν Ζ.

χρήματα Ζ.

τοῦτοι] ἤς. οὗτοι οἱ ἀμφι-
βητοῦντες, οὐς σὺ δέδοικας, βού-
λανται, ἐφη, συνεδείν ἡμῖν (πρὸς 
ἡμᾶς). Otherwise αὐτοῖς rather 
than τοῦτοι would have been 
used.

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

διαλύσαι σφας] ‘To settle with 
one,’ is properly to ‘untie him 
from his obligation.’ Or. 30 §

8, διαλύσαι μὲν ἡμᾶς ’Οντωρ οὐδ’ 
ἐπεχείρησεν. — ἐδεδώκειμεν, sc. 
ἐδανείσαμεν Πανταινέως.

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

παραχρῆμα] ‘On the spur of 
the moment, without even con-
sidering the matter.’ It is clear 
that the claiming party, οἱ 
ἀμφιβητοῦντες, did not expect 
this result; their offer was not 
made bona fide, for they did 
not intend to pay Nicobulus his 
dues: in fact, their pretended 
claims seem to have been made 
only in collusion with Panta-
netus.
taūta δῶσεν οἱ τὸν ἐκεῖνα ἐπαγγελμένοι, εἰ μὴ πρατήρες γιγνομέθ' ἡμεῖς τῶν κτημάτων αὐτοῖς, νῦν ἔχοντες, ὃς ἄνδρες Ἀθηναῖοι, κατ' αὐτό γε τούτο ἐώρων γὰρ ἡμᾶς οία ἐσυκοφαντούμεθ' ὑπὸ τούτων. ὡς οὖν καὶ ταῦτ' ἀληθὴ λέγω, λαβέ μοι καὶ ταύτας τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

14 Ἐπειδὴ τοίνυν τὸ πρᾶγμ᾽ ἐνταῦθ᾽ εἰστήκει, καὶ τὰ μὲν χρήματα οὐ προϊήντο οὐς ἐπήγαγεν οὔτος, ἡμεῖς δ' εἰκότως ἐφαινόμεθα ὡν ἐωνημέθα κρατεῖν, ἵκετεν, ἐδείτο, ἦντιβόλει πρατήρας ἡμᾶς γήμεσθαι. ἀξιούντος δὲ τούτον καὶ πολλὰ δεηθέντος ἐμοῦ, καὶ τί οὐ

1 ἐπαγγελμένοι Bekk. 1824.
2 γενέσθαι Bekk. 1824.
3 τούτων Bekk. 1824.

οἱ τότε κ.π.λ.] sc. οἱ ἀμφισβητούντες, § 7.
κατ' αὐτό γε τούτο] 'And on this very point assuredly they showed their wisdom,' viz. in not paying us the money without purchasing from us the absolute property in the mine, since a claim for damages was now being made, which might seriously affect the value of it. Inf. § 30 he says that 'no one would accept Pantaenetus as the vendor.' Of course, the ἡμεῖς preceding is emphatic.

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

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

ἐφανόμεθα κ.π.λ.] When it was clear that we were rightfully in possession of what we had bought from Mnesicles.

ἐμοῖ] The genitive after δεηθέντος. It seems clear from all this that the oi ἀμφισβητούντες were mere 'pretenders,' and that Pantaenetus wished to get
a transference of the mine to them that he might regain possession of it. See on § 31.

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

προσκεκρουκότα] Or. 39 § 18, πολλοῖς προσκρούει. In 54 § 3, προσκρούσματα are 'collisions.'

16. πρατήρ] 'If I became a vendor to them in behalf of the plaintiff's property.' Kennedy, 'if I withdrew and assumed the character of vendor in respect of his property.' The property really and bona fide belonged to Nicobulus and Evergus. But, as Mnesicles had originally bought it from Telemachus for Pantaenetus (§ 5), the claimants seem to have preferred to buy it as from the plaintiff, but conveyed to them by Nicobulus.—ηξίον—διαλύεσθαι, 'I required that I should come to a settlement with him.' (So Kennedy. Rather, 'I thought it best to come,' &c.)—ἐγκλημάτων, not that Pantaenetus had any real claims against Nicobulus, though he vexatiously prosecuted him. But Nicobulus knew his man, and guarded himself by this instrument against any future claims that Pantaenetus might make in respect of his former occupancy of the mine, even though, as he says just below, he never dreamed that a suit would be filed against him. The legal form, 'a discharge
Section 17

Tā μὲν δὴ γεγενημένα, καὶ περὶ ἀν ὦν οἴσετε τὴν ψήφου, καὶ δὲ ἡ τὴν δίκην συκοφαντούμενος παρεγραφάμην μὴ εἰσαγώγιμον εἶναι, ταῦτ' ἐστιν, ὅ ἂν-δρες δικασταί. παρασχόμενος δὲ μάρτυρας, οἱ παρ- ἵσαν ἥνικα ἀφιέμην ὑπὸ τούτου καὶ ἀπηλλαττόμην, ὃς οὐκ ἐισαγώγιμος ἐκ τῶν νόμων ἐστίν ἡ δίκη, μετὰ ταῦτ' ἐπίδειξι. καὶ μοι λέγε ταύτην τὴν μαρτυρίαν.

**MARTYRIA.**

Λέγει δὴ μοι καὶ τὴν τῶν ἑωνημένων μαρτυρίαν, ἵν' εἰδῆθ' ὅτι τούτου κελεύοντος αὐτὰ ἀπεδόμην οἷς οὕτως ἐκέλευσεν.

Section 18

Οὗ τοῖνον μόνον ἡμῖν εἰσών οὕτως μάρτυρες ὡς ἀφειμέθα καὶ νῦν συκοφαντούμεθα, ἀλλὰ καὶ Πανταῖ-

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1 n γένοιτο Z cum Σ.
2 p ἄν τοὺς Z cum ΣA
3 οὐδ' Αντ. 1824.
4 οὖν Α. 48. 1824.

From all claims, 1 was one ground of the παραγραφή (§ 1), and it is here mentioned as such.

οὐδ' ἄν εἰ τι γένοιτο] 'I never imagined that, happen what might, he would bring an action against me' (Kennedy). The negative, οὐκ ἡθην, is separated from the verb by the strengthening clause or condition. So Eur. Hipp. 654, Πως ἄν οὖν εἰγν ὁκαὶ, ὅς οὖδ' ἀκοῦσας τοῦτο ἀγνεῦσω δοκῶ; The ἄν, of course, belongs to λαχεῖν, but it is attracted, as usual, to the negative. See Shilleto on Thuc. i 76 § 4, who remarks, "the desire of the Greeks to show as early as possible that a sentence is intended to be contingent in-

duces them not only to construct such sentences as οὐκ ἄν ὀίμαι (δοκεῖ) εἶναι, οὐκ ἄν ἐφαι-σαν, but even to place this anticipative ἄν in a wrong clause." The Greeks greatly prefer οὐκ ἄν γένοιτο τούτῳ τούτῳ τούτῳ ἄν τούτῳ, &c.

17. οἷς οὕτως ἐκέλευσεν] viz. in § 14.

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

tion against Evergus, is a wit-

ness that he has no claim against me. The charge is the same; and if both had been guilty, both

would have been prosecuted. But,

the case having been tried once, the law forbids it to be tried

again.
νετος αυτός. ὦτε γάρ λαγχάνων Εὐδέργῳ τὴν δίκην εἶασεν ἐμὲ, τὸτ' ἐμαρτύρει οὗτος πρὸς ἐμὲ αὐτῷ μηδὲν ἐγκλημα υπόλοιπον εἶναι· οὗ γάρ ἂν δήποτε τῶν αὐτῶν ἀδικημάτων παρόντων ἀμφοῖν ὁμοίως ἐγκαλῶν τὸν μὲν εἶασεν, τῶ δ' ἐδικάζετο. ἀλλὰ μὴν ὅτι γ' οὐκ ἐώσιν οἱ νόμοι περὶ τῶν οὕτω πραξάθεντων πάλιν λαγχ-972 χάνειν, οἵματι μὲν ὑμᾶς καὶ μηδὲν εἰπόντως ἐμοῦ γη-γνώσκειν' ὅμως δὲ λέγε αὐτοῖς καὶ τὸν νόμον τουτοῖ. 

**NOMOS.**

'Ακούετε, ὦ ἀνδρεὶς Ἀθηναῖοι, καὶ τοῦ νόμου λέ-19 γοντος ἀντικρυ, ὅν ἂν ἀφῆ καὶ ἀπαλλάξῃ τις, μηκετι τάς δίκας εἶναι. καὶ μὴν ὅτι γ' ἀμφότερ' ἐστὶ πεπρα-

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

τῶν οὕτω πραξάθεντων] When a legal discharge and acquittance has been given. ἀλλὰ μὴν—τουτοὶ] Or. 38 § 4 δι' οὐκ ἐστὶν οἱ νόμοι περὶ τῶν οὕτω πραξάθεντων ἀδίκες δικάζεσθαι, νομίζω μὲν ἀπαντάνυμας εἰδέναι, κἂν μηδὲν εἰπώ περὶ αὐτῶν ἐγὼ, βούλομαι δ' ὅμως καὶ τῶν νόμων ὑμῶν αὐτὸν ἀναγυνάω. καὶ μηδὲν εἰπόντως] i.e. κἂν ἐγὼ μηδὲν εἰπώ. καὶ τῶν νόμων] Either 'beside my assertion of the fact,' or 'beside the evidence read before.'

§§ 19, 20. The law then forbids a second trial when the case has once been settled. This prohibition holds good especially in claims settled by consent; for to try these over again is not to abide by one's own decision, whereas in a verdict on public matters, or actions brought by others, there may be some ground for alleging misdirection. (For the argument compare the whole of § 25 in Or. 36.)

19. ἀκούετε—εἶναι] Or. 38 § 5 ἀκούετε, ὦ ἀ. δ., τοῦ νόμου σαφῶς λέγοντος ἐκαστα, ὅποι μὴ εἶναι δίκας, ὅποι ἐν ἐστιν, ὁμοίως τοῖς ἄλλοις κύριοις, περὶ ὅν ἂν τις ἀφῇ καὶ ἀπαλλάξῃ, μὴ δικάζεσθαι.

ἀντικρυ] For διαρρήθην, ἀ-πλάς, in a plain and straightforward way. ἀμφότερα] Though a distinction here seems made between ἄφεσαι and ἀπαλλάξῃ, it is probable, as Kennedy remarks, that they are virtually synonyms, and that this formula, which constantly occurs, arose from the surplus verbiage incidental to legal documents. [See, however, note on Or. 36 § 25, referred to supra § 1. S.]
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γεμένα ταύτα τούτω πρὸς ἡμᾶς, ἠκούσατε τῶν μαρτύρων. ἀπάντων μὲν τοίνυν τῶν ἐν τοῖς νόμοις ἀπειρημένων οὗ προσήκει δικαίος ἔσθαι, ἡκισταν δὲ τούτων. ἀ μὲν γὰρ τὸ δημόσιον πέπρακεν, ἐξοι τις ἄν εἰπεῖν ὡς ἀδύκως ἦν οὗ προσήκοντα πέπρακεν καὶ περὶ ὧν ἐγὼ τὸ δικαστήριον, ἐστιν εἰπεῖν ὡς ἐξαπατηθέν τούτ' ἐποίησε, καὶ περὶ τῶν ἄλλων τῶν ἐν τῷ νόμῳ καθ' ἐκάστου γένοιτ' ἄν τις εἰκότως λόγος. ἂ δ' αὐτός ἐπείσθη καὶ ἀφήκεν, οὐκ ἐνὶ δήπουθεν εἰπεῖν οὐδ' αὐτὸν αἰτιάσασθαι ὡς ὁ δικαίως ταῦτ' ἐποίησεν. οἱ μὲν οὖν παρὰ τι τῶν ἄλλων τούτων δικαζόμενοι τοῖς ύφ' ἐτέρων δικαίως ὁρισμένοι οὐκ ἐμένουσιν, ὃ δ' ἄν ἄφη πάλιν λαγχάνων τοῖς ύφ' ἐαυτοῦ. διὸ πάντων μάλιστ' ἄξιον τούτοις καλεπαίνειν.

u οὐς ἡκιστα Bekk. 1824.
v Z et Dindf. cum Σ (Cf. Or. 24 § 54 τὸ δημόσιον ἀπέδοτο).
pέπρακεν Bekk. w om. Z cum Σ.

τούτω πρὸς ἡμᾶς] See Or. 34 § 36, Sup. § 6.
ἀπάντων, κ.τ.λ.] 'In no cases where the laws have forbidden it, ought people to sue, but especially not in these. Of things done by public authority it may be said, that they have been done unjustly or improperly;' Kennedy;—who seems to have followed Bekker's reading πέπρακεν. Of course πέπρακεν is from πιπάσκω, and means that perhaps the state 'has sold what did not really belong to it.'

20. καὶ περὶ τῶν ἄλλων] 'And, with respect to the other cases mentioned in the law, a plausible objection may be raised to every one of them.' Kennedy.

αὐτός] i.e. τις in ἐξοι τις ἄν εἰπεῖν.—οὐκ ἐν, οὐκ ἐνεαύτιν ἐν τῷ πράγματι, 'the very nature of the case does not allow him to charge himself with injustice.' For this would be έκάντα ἀδικεῖσθαι, which Aristotle (in Eth. Nic. v) shows to be barely possible. Kennedy rather quaintly renders it, 'it does not lie in his mouth surely, to object to his own act, and charge himself with injustice.'—παρά τι, contrary to what is prescribed in other matters than such as are settled by himself. (Or perhaps, 'For any of these other reasons'.) The sentiment here is similarly expressed in Or. 36 § 25.

τοῖς ύφ' ἐαυτοῦ] sc. ὁρισμένοι οὐκ ἐμένει, 'He who brings an action again for claims of which he has given a discharge, fails to abide by his own act.'
Oυκοῦν ὃς μὲν ἀφήκε με πάντων, ὅτε ἐγνυμόμην 21
tῶν ἀνδραπόδων πρατήρ, ἐπέδειξα· ὅτι δ', ὃς ἐστὶν
οἱ νόμοι τούτων εἶναι δίκας, ἀκηκόατε ἀρτίως ἀναγνωρισκόμενον τοῦ νόμου. ἦνα δ', ὃ ἄνδρες Ἄθηναῖοι,
μή τις οὐχιαί τοῖς περὶ τῶν πραγμάτων αὐτῶν δικαίωσις ἀλυσκόμενον με ἐπὶ τούτῳ ἀποκορεῖν, καὶ καθ' ἐκαστον ὃν ἐγκαλεῖ βούλομαι δεῖξαι αὐτὸν ψευδόμενον.
λέγε δ' αὐτὸ τὸ ἐγκλημα, ὃ μοι δικαίζεται.

ΕΓΚΛΗΜΑ.

[Ἐθλαψέ με Νικόβουλος ἐπιβουλεύσας ἐμοι καὶ
tῇ οὐσίᾳ τῇ ἐμη, ἀφελέσθαι κελεύσας Ἀντιγένητα ὁ τῶν
ἐαυτοῦ οἰκήτη τὸ ἀργύριον τοῦ ἐμοῦ οἰκέτου, ὃ ἐφερε
καταβολήν τῇ πόλει τοῦ μεταλλου, ὃ ἐγὼ ἐπριάμην
ἐνενήκοντα μνών, καὶ αὐτίος ἐμοὶ γενόμενος ἐγγραφήναι
tὸ διπλῶν τῷ δήμοσίῳ.]

Ἐπίσχεσις ταυτί πάντα, ὃ νῦν ἐγκέκληκεν ἐμοὶ, 23

21. ἦνα δὲ κ.τ.λ.] 'That none of you may suppose that I have
recourse to this plea because I have the worst of it on the
merits of the case.' Kennedy. Cf. Plat. Theat. p. 179 ν, έκείνη
μοι δοκεῖ, ὃ Σώκρατες, μάλιστα ἀλήσκεσθαι ὁ λόγος, ἀλισκόμενος
καὶ ταύτῃ.

22. ὃ ἐγὼ ὃ 'which I the plain-
tiff had bought for ninety mi-
nae.' Kennedy thinks that this
sum was due to the state from
Telemachus, the original pur-
chaser of the mine (§ 5), but
not paid till after the transfer,
and perhaps from the profits of
working the mine. Boeckh
(Dissert., &c. p. 645) remarks
on this, "The state granted
to private individuals the mines
in the Athenian territory on
perpetual leases, which might
be transferred to a third person
by inheritance or sale, and in
short by every kind of legal
conveyance. The possession was
therefore obtained by the pay-
ment of a sum of money once
for all, as purchase or entrance
money." On τὸ διπλῶν, see
Andocides quoted in the note on
1. 30 of the ὑπόθεσεις. Or. 21 §
43 διπλῶν τὸ βλάβος ἐκτίνεαν,
and διπλᾶ ὑπὰ ἀμάρτια Aesch. Ag.
338 = 449 trans. Lamb.

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

ai πρὸς ἀλλήλους] viz. Pantaneetus and Evergus.

υπογράφας] 'After premising,' Kennedy. Rather, perhaps, 'having made it a minor, or inferential charge.' Liddell and Scott explain it here 'indorsing it with the title of plot against him and his effects.'

γευ] The first person of the latter Attic. The older Greeks appear to have declined it γῆν, γῆνος, γῆς. See Cobet, Nov. Lect. p. 214. Pho- tius: γῆν (γῆν) 'αντί τοῦ γῆν. The context seems to show that γῆς is the first person in Ar. Vesp. 635. Cf. Or. 34 § 38, παρήσεις.

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

ἀτιμώςαι] viz. by making him a debtor to the treasury, § 6. Besides ἀτιμώςαι, 'to make ἀτιμώςαι, formed from the adjective, like the Platonic ἀνωμοιώςας, there is ἀτιμᾶεται, and the anomalous epic form ἀτιμᾶος, used by Soph. Aj. 1129, as ἀτιμᾶος in the sense of ἀπείρως αἰσθανόμενος is used by Theognis and Aeschylus (Æum. 540).

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

ἀν] viz. since this could only be done by the state. There is a sort of quibble between the direct and the indirect agency. Kennedy does not well render it, 'which even a citizen would not venture to do to another citizen.'
ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ. 113

οὐκ ἔχων, οἷμαι, κατ’ οὖδὲν διὰ τὴν ἀποδημίαν εἰς ἐμὲ 
toúτων ἀνενεγκείν τι, συνοφαντεῖν δὲ βουλόμενος, ὡς 
προσέταξα ἐνέγραψεν’ οὔδὲ γὰρ λόγος ἦν, εἰ μὴ τούτ’ 
ἐποίησεν. λέγε τάκολουθον.

ΕΓΚΛΗΜΑ.

[Καὶ ἐπειδὴ ὤφλον ἐγὼ τῷ δημοσίῳ, καταστήσας 25 
'Αντιγένην’ τὸν ἐαυτοῦ οἰκήτην εἰς τὸ ἑργαστήριον τὸ 
emsp.; τὸ ἐπὶ Ὀρασύλλων κύριον τῶν ἐμῶν, ἀπαγορεύον-

974 'Επίσης. πάλιν ταυτὶ πάντα υπ’ αὐτοῦ τοῦ 
πράγματος ἐξελεγχθῆσεται ψευδόμενος’ γέγραφε γὰρ 
kataστήσας μὲν ἐμὲ, ἀπαγορεύειν δὲ αὐτῶν. 
tauτα δ’ 
on’ ὦντ’ οἵον τε τὸν μὴ παρόντα. οὔτε γὰρ καθίστην ἐγὼ 
ὁ γε ὃν ἐν τῷ Πόντῳ, οὔτ’ ἀπηγόρευεν οὗτος τῷ μὴ 
παρόντι’ πῶς γὰρ; πῶς οὖν εἰς ἀνάγκην ἥλθε ταῦθ’ 26 
οὗτο γράψαι; ὁ Ἕβεργος τότ’, οἷμαι, πλημμελῶν ὄν 
δέδωκεν δίκην, συνήθους ἔχων ἐμὸλ καὶ γνώριμος ὄν 
kataστήσες τὸν οἰκήτην οὔκοθεν λαβὼν παρ’ ἐμοὶ φυ-

a 'Αντιγένη Ζ.
b Ορασύλλων Βεκκ. 1824.
c αὐτῶν Ζ.
d ἔδωκε Ζ cum Σ.

eis ἐμὲ] Emphatic.
oὐδὲ λόγος] 'Not the shadow of a case.' Kennedy.
25. ἐπὶ Ὀρασύλλων] 'At Thrasyllus.' See Boeckh, Dis-
sert. p. 619. A site so called 
from a monument of Thrasyll-
lus, in the district of Maroneia. 
Harpocrates quotes this pas-
gage, and adds 'Ἀττικὸν ἔθος 
ἀντὶ τοῦ ἐπὶ τῷ Ὀρασύλλων 
μὴ ἕματι.
[Αeschin. κατὰ Τιμάρχου § 101, 
ἔργαστήρια δδὸ εν τοῖς ἄργυρεῖοι, 
ἐν μὲν ἐν Διώλων ἐπερν ὅ] ἐπὶ 
Θρασύλλως. The site is also 
mentioned in an inscription in 
the British Museum (Elgin 
162). S.]
kύριον] 'To take possession 
of my (the plaintiff’s) effects.' 
ἐμὲ] The subject; 'That I 
set him there, and he protested 
against it.'
τῶν μὴ παρόντα] See on 34, 
26, and inf. 28.
26. πλημμελῶν δίκην] 'When 
he was committing those tres-
passes for which he has given 
satisfaction.' Kennedy. See 
§ 7. This seems an admission 
that Evergus did exceed his 
rights in taking possession.
λαβὼν] 'Took my servant 
from my house, and placed him
P. S. D.
at his own works to keep guard.' Kennedy.

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

εἰς τὸν κεγχρεῶνα] This probably means ‘the granulating mould’ (furnace or pit), i.e. the place into which the silver is run when smelted. It appears to have been dropped into water, which gives it a granulated appearance. (So it is often to be seen in the windows of our bullion-shops, and so, in fact, leaden shot is made.) Hence, probably, ἄργυρον ψακᾶς in Ar. Pac. 121. In Eur. Phoen. 1316, ἀσπίδος κεγχρώματα seem to be small round eye-holes in the margin of a shield, so-called from their supposed resemblance to millet-seed. Photius: κεγχρεῶν, τόπος Ἀθήνας (he means ‘in Attica’), ἐν ὧν ἦν ἄργυρωτε ἐκαθαύρετο κέγχρος (f. ὃς κέγχρος). καὶ ἡ ἀπὸ τῶν ἄργυρων ἀναφερομένη ἄμμος. Ibid. Κεγχρεῶν. Ἀναστήθησαν ἐν τῇ πρὸς Παιαντανοὺς ἡγαρίῳ, Κάπειτα ἐπεισε (sic) τοὺς οἰκεῖας τοὺς ἐμοὺς καθέξεσθαι εἰς τὸν κεγχρεῶνα. Ηπροσκ. τὸ καθαιρήτηρον ὅπου τὴν ἐκ τῶν μετάλλων κέγχρον διεψυχον. Boeckh, however (p. 638), thinks κέγχρος was a kind of dross or efflorescence, consisting chiefly of glazed lead that was got rid of in the refining furnace, thence called κεγχρεῶν. He identifies it with σπύμα ἀργείτο or lithargyrius and compares the χαλκόν ἄνθος (an efflorescence formed on copper when fused after the smelting) described by Dioscorides as κεγχροειδές τῷ ρυμῷ. *Publ. Econ.* p. 640—6, trans. Lewis. "The κεγχρεῶν at the silver foundries was in fact the foundry where the silver which had been already fused was refined: the impurity detached in this stage was called κέγχρος, and perhaps chiefly consisted of glazed lead; and here the silver was again cooled with water." There seems however little force in his remark (p. 641), "it is not at all probable that silver should have been fused in a granulated form," since this is certainly the practice now. We see something like it in what is known as "frosted silver."

§ 27. The notion of my persuading (or bribing) the plain-tiff’s servants is absurd. Why
μόνον ἐκ τοῦ προκαλείσθαι τούτους παραδοῦναι, τοῦτον δὲ μὴ ἐθέλειν, ἀλλὰ καὶ ἐκ πάντων δῆλον ἐστὶν
ψεῦδος ὁν. τίνος γὰρ ἔνεκ' ἐπειθοῦν; ἤνα μὴ Δί' αὐτοῦς κτῆσομαι. ἀλλ' αἵρεσεως μοι δοθεῖσας ἢ ἔχειν
ἡ κομίσασθαι τὰ ἐμαυτοῦ, εἰλόμην κομίσασθαι, καὶ
tαῦτα μεμαρτύρηται. λέγε ἐν τὴν πρόκλησιν ὅμως.

ΠΡΟΚΛΗΣΙΣ.

Ταῦτην τοίνυν οὐχὶ δεξάμενος τὴν πρόκλησιν, 28
ἀλλὰ φυγῶν, σκέψασθε ὅλον εὐθέως μετὰ τούτ' ἐγκαλεῖ. λέγε τοῦ ἐχόμενον.

ΕΓΚΛΗΜΑ.

[Kαὶ κατεργασάμενος τὴν ἀργυρίτιν, ἢν οἱ ἐμοὶ
οἰκέται εἰργάσαντο, καὶ ἔχων τὸ ἀργύριον τὸ ἐκ ταύτης τῆς ἀργυρίτιδος.]

975 Πάλων1 ταῦτα πῶς ἐνεστ' ἐμοὶ πεπράχθαι τῷ μὴ

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

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

εἰλόμην κομίσασθαι] See § 13. 28. κατεργασάμενος] 'By reducing (for his own use) the silver-ore which my servants had dug, and keeping the bullion smelted from it.' Hesychius confounds ἀργυρίτις with ἠργυρίτις when he explains the latter by ἐκ τῶν ἀναργύρων μετάλλων γῆ. Whether it was sand, or soft earth, or (as Kennedy thinks) stony ore, seems uncertain. The word is used rather often in Xenophon's treatise on Revenues. See Boeckh, Publ. Econ. p. 637, 624, &c. trans. Lewis².

τάλων] 'I ask again, how is it possible that these things should have been done by me, and also (or, any more than) those for which you got a verdict against Evergus?' The
παρόντι, καὶ περὶ ὧν Εὐέργου κατεδικάσω; λέγε δ᾿ αὐτὸ τὸ ἐγκλημα ἔξης.

ΕΓΚΛΗΜΑ.

29 [Καὶ ἀποδόμενος τὸ ἐργαστήριον τὸ ἐμὸν καὶ τοὺς οἰκέτας παρὰ τὰς συνθήκας, ἃς ἐδετο πρὸς ἐμὲ].

Ἐπίσχεσ. τούτῳ πολὺ πάνθ’ ὑπερβέβληκε τάλλα. πρῶτον μὲν γὰρ παρὰ τὰς συνθήκας φησὶν, ἃς ἐδετο πρὸς ἐμὲ. αὗται δὲ εἰσὶ τίνες; ἐμισθώσαμεν τῶν τόκων τῶν γυγρομένων τοῦτο τὰ ἡμέτερα ἥμεις, καὶ ἀλλὰ οὐδὲν πρατήριμ μὲν γὰρ ὁ Μνησικλῆς ἡμῖν ἐγγόνει τούτου παρόντος καὶ κελεύοντος. μετὰ ταύτα δὲ τὸν αὐτοῦ τρόπον ἥμεις ἑτέροις ἀπεδόμεθα, ἐφ’ ὀσπέρ αὐτὸν ἐπεριάμεθα, οὐ μόνον κελεύοντος ἔτι τοῦτον, ἀλλὰ καὶ ἰκετεύοντος οὐδεὶς γὰρ ἡθελε δέχεσθαι τούτου πρατήρια. τί οὖν αἱ τῆς μισθώσεως

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

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

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

30. ἐφ’ ὀσπέρ] 'On the same terms and conditions on which we had bought it.' But these terms are nowhere specified.—καὶ ἰκετεύοντος, see § 14.
τὶ οὖν κ.τ.λ.] 'What then has the agreement of lease to do with the question?' Kennedy.—ἐνέγραψα, sc. τῷ ἐγκλήματι.
They had bought the mine single offence, Mid. p. 024, for the sum they had lent the § 32. Cf. inf. § 50. The sense is, the plaintiff would have no legal title to property which was mortgaged to others. Perhaps we should read in full, and with the accent of emphasis, πρατήρα σε ἐξων.

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

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

αἰκίαν καὶ ὑβρίς] Cf. Or. 54 § 1, δίκη αἰκίας...ὑβρεως γραφαί. The difference seems to consist in the latter meaning an outrage of any kind against goods or person (Mid. p. 525), the former being assault with battery, or intent to commit personal injury. For αἰκίζειν is properly ‘to disfigure’ by any kind of mauling or ill-treatment (Aesch. Prom. 467, 178, Soph. Ant. 206). Though ὑβρίς also means ‘rape,’ it may be doubted if Kennedy is right in giving it that meaning here. Generically, it means ‘lewdness,’ e.g. Aesch. Suppl. 80, 102, but it is applied indefinitely to any brutal outrage. The allusion here is to the charge mentioned infra. § 45.

ὑπὲρ] ‘For the recovery of the same penalties.’

tοὺς τετταράκοντα] The Forty are not often mentioned. Pho-
LAONKHANEIN, PÆRÎ &V OUK EISIN EINAIGAOGHEISS. LÉGE DE′ AÎ-
TOIS TOUTONÌ TÔN VÔMON.

NOMOS.

ΤΟÛTO TÔYNUV ÈMÔU PARAGEGRAMMÉNÔU PROS TÔ 34 ἈΛΛΗ PARAGRAΦΗ, KAI OUK ÌNUTÔW EIΣAIGOGHEWÔN TÔN ŒT-
ΣMÓΘETÔN ÌPER OVN LAONKHÀNEI ΠANTAIWÒSE, EXALHÎ-
PÎTAI KAI ÔU PRÔSESTÎ TÔ PARAGRAΦΗ. TÔ DE ÌÎPÔS
ÙMEIS SKOPETE: EMÔL MÈN GÀR, ÈWÔS ÂV ËΧW ÔVÔN VÔMÔN
AUTÔV ËEIKÔNÔV, ÒVÔD ÌÎTIOÛN DIAFÉREI: OU GÀR TÔ GΗNÔ-
ΣKEIN KAI SUINÉNÀ TÀ DÎKAIÀ ÒMÔN EXALHÎΨAI DUNÎ-
SEIÀ.

ΔΑΒÈ DÈ KAI TÔN METALLIKÒN VÔMÔS KAI GÀR ËK
TÔYNUV DEÏXIVO OÎMAI1 OUK ÔUTÔVN EIΣAIGOGHIMÔN TÎN DÎ-
ΚHÒ, XÀRÎTÔS TE ÒV MÁLLLOV ÂΞIOS H TÔV SUKOFAVNEI-
ΣVAI. LÉGE.

NOMOS.

ÔUTÔS SAΦÒS Ô VÔMÔS DÎHÎRÎKEV ÒVÎN ÈVÎNAI DÎKAS 35
PRÔSÎKEI METALLIKAS. OUKÔVÒN Ô MÈN VÔMÔS, ÉÀV TÎS
1 OÎMAI Z.

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

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

τῇ ἄλλῃ] viz. ὃν ἄν ἄφης τις,
&c., 19.

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

τὸ δὲ ὑπὸς] He seems to in-
timate that bribery or collusion
of some kind had been em-
ployed.

exalhîpsai] Timoc. p. 712,
taûta pâsta Τµικράτης ἡφαίνειν
eîlîneψen. Tac. Agric. 2, 'scilicet
illo igne vocem populi Romani
et libertatem senatus et con-
scientiam generis humani abo-
leri arbitrabantur.'

καὶ γὰρ] 'For even from
this'; 'from this also.' Inf.
§ 58, καὶ γὰρ ἀκούσιοι φόνου καὶ
ψβρεις, 'for both manslaughter
and outrage' &c. The meaning
of this formula is too often over-
looked; it very rarely, if ever,
stands for the simple γὰρ. See
sup. § 5.—χάριτος τε ὃν, note the
change of subject: ‘and that I am deserving of thanks rather than persecution.’ Kennedy.

35. ἐξιλλη[...]
—οίχ ὅπως, Or. 56 § 43.

§ 36. The defendant has no right to be bringing a mining suit against me, and therefore I plead a bar to his action. The law has defined what charges fall under that head, and to none of these have I made myself liable in any way. ἄν τῦφη τις From Ar. Vesp. 1079, where Xerxes is described as burning Athens to ‘smoke out’ the citizens as if they were so many hornets, τῷ κατὶ τὸφων ἄπασαν τὴν πόλιν καὶ πυρ-πόλιν, it would seem that the misdemeanour here mentioned is either sending smoke into a neighbour’s pit to retard or annoy his workmen, or stopping up the ventilation so as to cause bad air. In Mid. p. 568, § 167, we have mention of ὀνοματικα καὶ χύλα εἰς τὰ ἐργα τὰ ἀργύρεια, which may refer to doors such as might be blocked or fastened up in the mines. Boeckh, who has another reading before him (ἐὰν ὑφάγη τις), says ‘we might either understand the burning of the wood used for supporting the mine, or the setting fire to the ores, for the purpose of undermining the pillars which supported the overlying mass, after they had become infirm.” Publ. Econ, (p. 672, trans. Lewis). But υφάγη seems due to a conjectural correction of the false reading υφη in Σ. [In a Derbyshire mine in 1833, a quarrel about the right of working a lode of lead ended in several miners being stifled to death with lighted straw. Annual Register 1834, p. 296. S.] ὁπλα ἐπιφέρειν can only mean the making an armed attack; and it is likely that ‘claims’ were often made the subject of violent dispute. It cannot refer to the seizure of tools and instruments, as some appear to have thought (See Boeckh, Dissert. p. 667). [Among the customs of the Manor of Crich in Derbyshire is the following: ‘No miner is to bring an unlawful weapon to the mines, and if it chance that a miner (or any other person whatsoever) quarrels upon the mine and fights and draws blood upon the mine, he shall pay the sum of three shillings and fourpence before the sun set.’ Bainbridge’s Law of Mines and Minerals, p. 569. S.] ἐπικατατέμενειν, like ἐπινέμε-
without much doubt refers to encroaching on the ore-ground or 'sett' of another, μέτρων. A similar word is ἐπικαταλάγης in Theophrast. Char. 30, αἰσχροκερδείας. Xenophon (de Vectig. § 27) contrasts τὰ κατατεμμυμένα with ἄτμητα μεταλλα. [Hyperid. Euxenip. col. 44, 17, φήματος Λυσάνδρου τὸ Ἐπικράτους μέταλλον τοῦ Παλληνίου ἐντὸς τῶν μέτρων τετμημένον...οἱ δικασταὶ...ἐγώσαν ἰδιόν εἶναι τὸ μέταλλον, where the boundaries appear to be the limits of the portion unallotted by the state to private individuals. Cf. also Pseudo-Plutarch, vit. Lycurg. ἐκρεμῇ δὲ καὶ Δίφιλον ἐκ τῶν ἄργυριων μεταλλῶν τοὺς μεσοκρενίς (sc. κύωνας, the supporting pillars which also served as boundaries) οἱ ἐξάστατοι τὰ ἄνερκελεμένα βάρη ὕφελοντα καὶ ἐξ αὐτῶν πεπλουτηκότα παρὰ τοὺς νόμους καὶ δανάτου δυντὸς ἐπιστιμων ἀλώνια ἐποίησε. In the local customs of Derbyshire various fines are imposed for working out of limits, unlawfull filling up of shafts, &c. Bainbridge's Law of Mines, p. 461. In the ancient mines at Laurium there have been found 'limit columns of the various allotments, with the names of their proprietors, and the prices paid for each; tools of the workmen, chiefly pickaxes; the niches in which they set their lamps, and the lamps themselves' (Murray's Greece, ed. 1884, p. 367). S.] ἀ προείντο σοι 'Which they had lent you on the risk of getting it back.' See § 14, and also 22.

πρὸς ἀπαντας For all men wish κομιζεσθαι τὰ ἐαυτῶν.

§ 37. It is absurd to suppose that, because a dispute has some remote relation to a mine, therefore a mining-suit alone will meet it. No, the ordinary courts will settle it; and 'mining-suits' are reserved for special and comparatively rare contingencies.

παρελθὼν] 'Shall he pass by, or fail to appeal to, the general laws, and have his plaint settled among (or as one of the) mining suits?'

προεισφορὰν] See Or. 39 § 9.
38 ρᾷν μὴ κομίζῃται; ἂν ὀλως ἄλλο τι; ἐγὼ μὲν οὐκ ὁι-
μαί, ἄλλα τὰς μεταλλικὰς εἶναι δίκας τοῖς κοινωνοῦσι
μετάλλου καὶ τοῖς εἰς ἐτέρους συντρήσασιν καὶ ὀλως
τοῖς ἐργαζόμενοις τὰ μετάλλα καὶ τῶν ἐν τῷ νόμῳ τι
ποιοῦσι, τῷ δὲ δανείσαντι Πανταινέτῳ, καὶ ταύτ' ἀπειληφότι
γλάσχρως καὶ μόλις παρὰ τοῦτον, οὐκ εἶναι δίκην μεταλλικὴν προσφευκτέον, οὐδ' ἐγγύς.

39 'Ως μὲν οὖν οὕτ' ἡδίκηκα τοῦτον οὖθεν οὐτ' εἰσα-
γώγιμος ἐκ τῶν νόμων ἐστὶν ἡ δίκη, ταύτ' ἀν τὶς σκο-
πών ῥαδίως γνοίη. οὖθεν τοῖνυν δίκαιον ἔχον οὐδὲ
καθ' ἐν λέγειν ὑπὲρ ὅν ἐγκαλεῖ, ἄλλα καὶ ψευδὴ 978
γεγραφὸς εἰς τὸ ἐγκλήμα καὶ περὶ ὃν ἄφηκε δικαζόμε-
νος, τοῦ ἐξελθόντος μηνὸς, ὃ ἀνδρεὶς Ἀθηναῖοι, ἐπει-
δῆ ἐμελλὼν εἰσίνει τὴν δίκην, ἦδη τῶν δικαστηρίων
ἐπικεκληρωμένων, προσελθὼν καὶ περιστήσας τοὺς

\[ \text{άλλως Ζ cum Σ. ὀλως Bekk.} \]
\[ \text{υ om. Z.} \]
\[ \text{v eis tā tōn πλησίων Ζ.} \]
\[ \text{w αὐτ' Ζ cum Σ.} \]
\[ \text{x πρὸς δίκην Cobet, nov. lect. 609.} \]

38. συντρήσασιν] Properly, συντεραίνειν is to make a hole
into another hole, i.e. to make two holes meet. So in Aesch.
Cho. 451, δι' ἄτων δὲ συντέρανε μῶθων may refer to words enter-
ing the double aperture of both ears; and thus the emendation
δι' ἄτων δ' ἐσωτέρανε, however probable, can hardly be regarded
as necessary. See also Herod. ii. 11, σχεδὸν ἀλληλοὺσι συντερα-
νοῦσας τοὺς μηχαῖος, used of two arms of the Red Sea that
converge and join in one.

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

γλάσχρως] Lit. 'with greediness on his part,' i.e. wish to
retain it if possible. The adject.

39. One proof that the plain-
tiff was conscious of the weak-
ness of his case against me, is a

trick which he put upon me re-
specting the torture of one of my
slaves, almost the moment before
the trial was about to commence.

περὶ ὃν ἄφηκε] viz. which was
forbidden by the law, § 19.

ἐπικεκληρωμένων] Like the
Roman custom sortienti judices,
and our phrase 'impanelling a jury,' the jury seem, in the age of Demosthenes, to have been selected by lot from the 6000 who were the constituted members of the law-courts. In the time of Aristophanes they drew a letter, A or B, &c., to indicate the court where they were to sit for the day; κληρώσω πάντας, Ar. Eccl. 682, who is speaking of public, not of special or private causes. In Mid. § 13, τον ἀρχόντα ἐπικληρον ὁ νόμος τοὺς χοροὺς τοὺς αὐλητὰς κελεύει. Whether δικαστηρίων here means precisely the same as δικαστῶν, or whether some courts were open while others were closed, appears uncertain. See Boeckh, P. E. pp. 235—6.

περιστάσεως] Oum se stipasset sui.—τῷ ἐργαστήριῳ, 'that gang of packed conspirators against justice.' See Argum. init. So Ar. Lysist. 577, καὶ τῶν γε συνισταμένους τούτους. Or. 39 § 2. Inf. § 48.

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

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

άτιμητος, opposed to τιμητός, means 'unassessable,' or where the penalty or amount is fixed by law. In the other case it can be laid at the discretion of the jury. See Mid. p. 543, § 90.—δοφλεῖν, 'that I should have to pay to him the sum charged in the suit' (two talents).
§ 41. I signed the challenge though I thought it unfair that I should have to pay so much for damages on the testimony of a slave, who might be tortured to death, and made to say anything. But no sooner was this done, than he makes another challenge, again to bring the matter before the jury, though it had in fact been quashed by the former challenge.

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

It seems to have been the custom to produce the document before the proceedings commenced, that both parties might consent to the course pursued.
γεγραμμένα καὶ κατὰ ταύτα πράττειν ὦ τι δόξαι (διὰ γὰρ τὸν θόρυβον τὸν τὸτε καὶ τὸ μέλλειν καλείσθαι τὴν δίκην τοιοῦτον ἵνα προκαλοῦμαι σε ταυτὶ δέχομαι φέρε δὴ τὸν δακτύλιον λαβέ τίς δ’ ἐγγυητής; οὐτοσί’ οὔδεν οὔτ’ ἀντίγραφον οὔτ’ ἄλλο οὔδεν ἐποιησάμην τοιοῦτον)—ἀντὶ δὲ τοῦ ταῦθ’ οὕτως ὧσπερ 979 λέγω πράττειν ἔτεραν ἤκεν ἔχων πράκλησιν, ἄξιον αὐτὸς μακάριος εἰςκε, καὶ ἐνέλευπεν οὔδεν ἀσέλγειας. καὶ ἔγωγ’ ἐνεβυμηρί 43 θην, ὁ ἄνδρες δικασταὶ, ἡλίκοι ἑστὶ πλεονέκτημα τὸ μὴ καταπετλήχθαι τὸν βίον. ἐγὼ γὰρ ἐμαυτῷ ταῦτα πῶσχεν ἐδόκουν καταφρονοῦμενος τῷ ἀπλώς καὶ ὡς πέφυκα ζην, καὶ δίκην διδόναι παμμεγέθη ταῦτ’ ἀνε-


a om. Z et Bekk. καταπετλάσθαι Emperius laudatus in Bekk. st.

b ἐμαυτὸν Z.

τὸ μέλλειν καλείσθαι] sc. ἐπικεκλ. τῶν δικ. § 39. The broken sentences following imply the haste and suddenness of the act, the time pressing, as the plaintiff very well knew. Plautus, Rudens, 171; 'at in vado est: iam facile enablot: engepae: salva est: evasit ex aqua: iam in litore est.'

τὸν δακτύλιον[ The ring for sealing the challenge.

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

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

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

τὸ μὴ καταπετλήχθαι] τὸ μὴ καταπληγησάναι (Arist. Eth. Ν. ii 7). 'The not being shy.' Kennedy quite alters the sense in translating 'what an immense advantage it is to intimidate people by your style of conduct,' and omitting the μὴ, which indeed is not found in the mss. The manuscript reading is retained by Bekker, G. H. Schaefer and the Zürich editors. 'Quae sic opinor, verenda: quantum sit lucrum sycophantae ita vivere, ut ali quæ percellantur; ut sarcas- tica sit notatio morum calumniatoris,' G. H. Schaefer. Or. 21 (Mid.) § 194, ὡστε κακῶς λέγων —καταπληξειν ἑτο τὸν ὅμον ἀπαντα.—μὴ is a conjecture due to F. A. Wolf, accepted by Reiske and Dindorf,
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χόμενος· ὅτι δ’ οὖν ἤναγκαζόμην, παρ’ ἀ ἴγούμην δίκαια εἶναι, ἀντιπροκαλεῖσθαι, καὶ τὸν οἰκέτην παρεδίδον. καὶ ὅτι ταῦτ’ ἀληθή λέγω, λέγε τὴν πρόκλησιν.

ΠΡΟΚΛΗΣΙΣ.

44 Ἔναγκαζόμην μὲν τοίνυν ταῦτα, φυγῶν δ’ ἃ τὸ πρῶτον αὐτὸς προφυκαλέσατο ἐγώγη, ὅ τι ποτ’ ἔρει πρὸς ὑμᾶς, θαυμάζω. ἦνα δ’ εἰδὴτε ὑφ’ οὖν φησὶ καὶ τὰ δεινὰ πεποιθέναι, θεάσασθε. οὕτος ἐστιν ὁ Πανταϊνετον ἐκβαλὼν, οὕτος ἐσθ’ ὁ κραίττων τῶν φιλῶν τῶν Πανταινετοῦ καὶ τῶν νόμων. οὐ γὰρ ἔγωγ’ ἐπεδήμουν, οὐδ’ αὐτὸς ἐγκαλεῖ.

45 Βουλομαί δ’ ὑμῖν καὶ δι’ οὖν τοὺς πρῶτον δικαστὰς ἐξαπατήσας εἴλε τὸν Εὐέργειον εἰπεῖν, ὅ’ εἰδῆθ’ ὅτι καὶ νῦν οὐδὲν οὐτ’ ἀναιδείας οὔτε τὸν ψεύδεσθαι ὥστ’ εἰσίν Z.

ἀνεχόμενος] ὑπομένων. By patiently enduring all this impudence from him. He wished to be thought μέτριος and ἐπιεικὴς, but found himself despised as ἄψυχος.

ὅτι δ’ οὖν] ‘However, as I should have been compelled (lit. as I was being forced by the circumstances) to give a counter-challenge contrary to what I thought was right and fair, I did even offer to give up my slave.’ If he had declined to act on this πρόκλησις, duly signed and sealed as it was, he would have had to make another on his part, and one which would have been equally against his own sense of right (οὖχ ὃς δίκαιον, sup. 41). For δ’ οὖν, ‘be that as it may,’ see Aesch. Agam. 34, 217 (P.) Or. 56 § 10, πέρας δ’ οὖν—ἐξαιρεῖται τὸν σύνοι, where δ’ οὖν means, as usual, ‘be that as it may,’ leaving the truth of a previous statement undetermined.

44. ἃ τὸ πρῶτον] viz. that Mnesicles, not the plaintiff himself should preside over the torture.—ὁ τι ποτ’ ἔρει, I wonder what he will say for himself after being proved to have thus broken his own agreement.

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


§ 45. To illustrate the man’s recklessness in making charges, I will relate how he contrived to convict Evergus at the former trial. He accused him of coming to his house in the country and insulting his daughters who were heiresses, and who, had the story been true at all, would have got redress by appealing to the chief archon.


PARALEIPHEI. PROS DE TOU'TOIS KAI PERI DW EMOI DIAKASTE'TAI NUVI TATAS OUSAS APOLLOGIAS EURHSETE 'OSPER ELEUCHOS AKRIBBESTATOS EOSTIN UPER TOU TOT 'EKHEINON SE-SUKOFANTHSEI. ODTOY GYAR HTHIASATO EKEIVON PROS APAOS TOIS ALLOIS ELDHONT EIS AGROV OIS AUTON EPI TATOS EPIKLHRON EISELEIHIN KAL TIN MHTERA TIN AUTOU, KAI TOUS NOMOUS HKEEN EXOH TOUS TON EPIKLHRON PROS TOT DIAKASTHRION. KAI PROS MEV TON ARCHOYNTA, DUN TON TOIOU' 46 TON OI NOMOI KELVENOIN ETPIMELEIS THAI KAI PAR' O TOT MEV HDIKHKOITI KINIMOVES PERI TOU TI CHRI PATEINH H APOTISSAI, TOT O' EPEXIONIETI MEI OUDEMIAS XHMIAS H BOYTHIA, OUDEPW KAI TMIERON EKHTASTAI, OUD' EIINGELEIN OVT' EME OUTE TON EUERGON WS ADIKOU'TAS, EV DE TOT DIAKASTHRIO TOUTA KATHGOREI KAI DNOIN TALANTOIN EILE D1-KHIN. HN GYAR, OIMAI, KATA MEV TOUS NOMOUS PROEIIDOTA 47

46. We gain from this passage the important information, that the process before the archon in such cases was by ELVAGGELIA (Or. 34 § 50), and that no penalty attended the failure of the prosecution, like the CHLAI DRAXMAI in the ordinary courts. The meaning is, that if he could have sustained the charge, the plaintiff would certainly have preferred a court where there was no risk. See BOECKH, P. E. p. 357.

47. EVERGUS WOULD HAVE EASILY GOT OFF IF HE HAD KNOWN
the precise charge he would have to defend himself against. But a 'mining-suit' was trumped up against him; and as other counts (§ 45) were added to rouse the indignation of the jury, he was thus unfairly condemned.

[διάνασθαι] Here for δύνασθαι. With χαλέπτων, ην is to be repeated from above.

[ὁργῇ] The resentment they felt about the ἐπικλήρος.—ἐφ' ἦ, κ.τ.λ. 'found him guilty of the charge upon which they sat in judgment.' Kennedy.

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

[tois πράγμασιν] The facts of the case rather than the mere assertions of himself and his witnesses.—συνεστώσα, 'packed:' see § 30.

τῷ—κλαهةσεων] 'In his being ready to cry.' This use of the future (τὸ ποιῆσαι facturum esse, &c.) belongs to the later Attic, the Ionic form in -ήσω of κλαώ, or κλάω, common in the earlier dialect (τυπτήσω, χαρήσω, βαλλήσω, &c.), being retained.—μηδὲν, κ.τ.λ. Cf. Mid. p. 537, § 70, τῷ μηδὲν ὑποστελλόμενον πρὸς ὑβρίν. The term is perhaps military or nautical; probably the former, in reference to the withdrawal of troops. The origin of the phrase is however rather obscure. Hesych. ὑποστελλόμενον: ὑποκρυψόμενον, φοβηθέας.—ὑποστελλόμενοι ἀναδύεσθαι, δολείσθαι, ὑποκρίνεσθαι.—ὑποστελλόμενοι φοβεῖται, καὶ τὰ ὄρμα. In De Fals. Leg. p. 415, μετά παρρησίας διαλεχθήσεται μηδὲν ὑποστελλόμενον clearly means "without any reserve." Cf. Eur. Orest. 607, ἐπεὶ θραύσει κοιχ ὑποστελλεί λόγω. Possibly the primary idea was the 'tucking under' or 'cloaking over,' and so hiding
something worn on the person. ‘Relying on the whining face and the tears that he can assume so recklessly and so im-
pudently.’ Kennedy.

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

δει] The second person is rare, though the Greeks often say τοσούτον δέω, &c. See on Or. 40 § 22.

πεπραγμάτευσαι] ‘From the shameful actions you have concerned yourself with,’ or ‘have contrived to bring about.’


τοὺς ταῦτα κ.τ.λ.] ‘Those who helped you to raise the ready money and enabled you to satisfy your original creditors.’

ηδικήκεις] See § 7, τῶν ἐν ταῖς συνθήκαις ποιοῦντος οὐδὲν τούτου. 

άτμωσαι] sc. ὥς ὀφείλοντα. ‘To disfranchise him besides.’

If, with the Zürich editors, we print this as one word προσα-
tμώσαι, we must still translate the preposition as a separate word, as in Or. 39 § 23, πρὸς μοσεῖν, 22 § 75, τοσοῦτ' ἀπέχει 
τοῖς τιμῆς τινὸς τυχεῖν ὥστ' ἀπειράκαλος πρὸς ἑδοξεῖν, and Aristotle. Eth. iv iii 24, πρὸς ὀφλῆσει. Inf. § 56, we have 
δικὴν προσφλεῖν. S.]

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

ὁ συμβεβληκὼς] ‘The lender,’ ‘the maker of the contract.’

So Or. 34 § 1, συμβόλαια πολλοὶ συμβάλλοντες, and Inf. § 54. He is now speaking of Evergus (τάλαντον Ἐδέργου, § 4).—δῦο, see § 46.
50. δωρον ταλαντων] viz. for damages, § 32.—καθαπαξ, § 31. The sum mentioned in § 31 is 3 talents and 26 minae. Here he uses a round sum; see Or. 34 §§ 25, 41.

eis taauta k.τ.λ.] 'Upon this property you have sustained damage, as it appears, to the amount of four talents.' Two talents had already been got out of Evergus, and the plaintiff is trying to get two more out of Nicobulus.

παραχωρήσει] 'Give up.' So in Mid. p. 523, § 28, e` δ' εγα—τη τολει παραχωρώ της τιμωρίας. This seems little better than a quibble; according to the plaintiff, violence was used by Antigones in taking the money (§ 22); but perhaps he refers to the occupation of the mine under protest, § 25.

τον κύριον] 'His owner.' Very nearly the Latin dominum. Ar. Equit. 969, διϊξει Σμικρόθην και κύριον. [Meier and Schömann p. 573, note 58 ed. Lipsius.]

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

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

ταχέως βαδίζει k.t.l.] Or. 45 § 77, τῆς μὲν ὄψεως τῇ φύσει καὶ τῷ ταχέως βαδίζειν καὶ λαλεῖν μέγα, οὐ τῶν εὐτυχῶς περικότων ἐμαυτὸν κρῶν: ἐφ’ οίς γαρ οὐδὲν ὁφελόμενοι λυτῶ τινας, ἢπατον ἐχω πολλαχοῦ. Cf. infr. § 55.—Aristotle, in one of the touches that remind us of the Characters of his pupil Theophrastus, ascribes to the μεγαλόφυνος (Eth. ιν ix=iii) κίνησις βραδεία καὶ φωνῇ βαρεία καὶ λέξις στάσιμος. S.]

βακτρίαν φορεῖ] Theophrast. Char. 21 (Μικροφιλοτιμᾶς), δει

νὸς κτήσασθαι—βακτρίας τῶν σκολιῶν ἐκ Λακεδαιμόνων. From many passages in Aristophanes (e.g. Vesp. 33, Eccl. 74), as well as from the chorus in the Agamemnon who are said τριπτοδας ὀδος στρεμχει (80), it is evident that sticks were commonly carried by the more aged at least. [Cf. Lysias 24 § 12, and Eur. H. F. 254; and see Becker's Charicles, i 159 = p. 87 of English edition, and K. F. Hermann's Privatalt. § 24 12 = p. 184 ed. Blümner. S.]

53, τέχνην πεποιημένον] 'Make a trade of it,' Kennedy. From Ar. Eq. 63, where the same phrase occurs, it would seem to mean 'a crafty or cunning trade.'—μὴν συγγνώμης, 'who care neither for humanity nor for anything else but the lust of gain.' Kennedy. The reading seems in some way faulty here; either εἰμιλείς εἰσιν or φραυλίζοντως would represent the required sense. [The reading of the mss is supported by the quotation of Priscian π. 359, 22 Hertz: 'Attici συγγνώμης οὐκ ἐστών οὐτός, id est nemini dat
[§§ 53—57

XXXVII. ΠΑΡΑΓΡΑΦΗ

άλλ' ἡ τοῦ πλέιονος. διὰ γὰρ τὸ καὶ δεδανείσθαι πολ-
lάκις, μὴ μόνον αὐτὸς τούτῳ δανείσαται, οὐδὲ ἔγω 1 τού-
tους ἀγνοῶ οὐδὲ φίλῶ, οὐ μέντοι γ' ἀποστερῶ μὰ Δί'.
54 οὐδὲ συκοφαντῶ. ὡστὶς δὲ εἰργασταί μὲν ὠσπερ ἐγὼ
πλέων καὶ κινδυνεύων, εὐπορήσας δὲ μικρῶν ἐδάνεις
ταῦτα, καὶ χαρίσασθαι βουλόμενος καὶ μὴ λαθεῖν διαρ-
ρυνων αὐτῶνm τὸ ἀργύριον, τί τις ἄν τοῦτον εἰς ἐκείνους
τιθεῖ; εἰ μὴ τοῦτο λέγεις, ὡς ὦς ἄν σοι δανείσῃ, τού-
tουν δημοσίᾳ μισεῖσθαι προσήκει. λέγε δὴ μοι τὰς μαρ-
tυρίας, τίς ἐγὼ πρὸς τοὺς συμβάλλοντας ἀνθρώπος
καὶ πρὸς τοὺς δεομένους εἰμί.

ΜΑΡΤΥΡΙΑΙ.

55 Τοιοῦτος, ὁ Πανταύνετε, ἐγὼ ὁ ταχὸς βαδίζων καὶ
τοιοῦτος σὺ ὁ ἀτρέμας. ἀλλὰ μὴν περὶ τοῦ ἔμοι
γε βαδίσματος ἢ τῆς διαλέκτου τάληθή πάντ᾽ ἔρω
πρὸς ύμᾶς, ὃ ἀνδρεὶς δικασταί, μετὰ παρρησίας. ἐγὼ

1 +αὐτὸς Z cum ΣτA1.

m αὐτῶν Z.

veniam. μισεῖσθαι—πλέιονος. Sallustius in Iugurthino: homines multarum imaginum ac nullius stipendii (85, 10).’ S.

The sense of μὴτε (as different from οὔτε) would, as usual, be given by the Latin nihil curerit instead of curant.—δεδανείσθαι, i.e. δανείσασθαι.

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

54. πλέων] See Or. 34 § 30.

—εὐπορήσας δὲ, ‘and who has lent at interest his small profits in order to accommodate his friends, and that his money may not be imperceptibly frit-
tered away.’ Kennedy. (More closely, ‘from a wish not only to oblige, but to prevent his money from slipping through his fingers without being aware of it.’)—eis ἐκείνουs, why should he be classed with those others who τέχνην πεποίηται?

σοι δανείσῃ κ.τ.λ.] A very hard hit indeed.

tis ἐγὼ κ.τ.λ.] Here, as in Or. 39 § 25, tis = ποιός.

§§ 55, 6. The evidence just read has shown that I am not a hard or dishonest man, though it happens that I walk quickly and you walk gently. I am sorry I cause annoyance to others, but I am what nature made me, and no man can alter that.
"One of those favoured in these respects by nature." For a parallel to the whole of this passage, see Or. 45 § 77 quoted above, § 52 n. So strong was the Greek appreciation of τὸ καλὸν that they associated moral with merely physical qualities.—ἐαυτοῖς seems a necessary correction for ἐμαυτῷ, which would require τῶν λυσ. to be a genitive of quality in the neuter.

56. ταλλὰ ταῦτα] These other qualities which are bodily and not mental.

ἐχοντα] 'Since one has it,' i.e. a particular form and shape assigned to him. [Ar. Vesp. 1457 τὸ γάρ ἀποστήρια χαλεπὸν φύσεως, ἵν ἐχου τις αἰὲ. S.]—οὐ γὰρ ἂν κ.τ.λ. 'and that he should have such is a necessity': for,' &c.

γνώσαι δ' ἔιδοντα] 'Though it is easy enough to remark and criticise them in another.' Kennedy. Hesych. ἐπιπληξεῖν ἐπελθεῖν, ἐπιμηθήσαί, ὑπρίασα. He is supposed to refer to II. xxiii. 580, καὶ μ’ ὀυνιᾷ φημι ἀλλὸν ἐπιπληξεῖν Δαναῶν. As however the explanations are given in the aorist and not in the future, it is probable that the present passage is referred to. The use is rare. In Eur. Or. 922, ἀνεπιπληκτον ἄνηγκη ἄνδρῳ, the variant ἀνεπιπληκτον is derived from Hesychius.

57. τί τοῦτων] 'Which of these personal failings of mine affects the question between you and me?' οὐ παρ' ἐμοῦ γε; οὐδὲ γὰρ ἡδικήθης οὔδὲν ὑπ’
ed by me when you resolved (were making up your mind) to commence an action against Evertus, nor required one who had done you the many grievous wrongs you pretend, to promise to sell you the property.\footnote{\(\text{§} \ 57\).}

\begin{quote}
\text{The omission of \(\epsilon \nu \iota \nu\) in this idiom is remarkable. So in Aesch. Enm. 195, \(\kappa \alpha \pi \varepsilon \iota\) \(\upsilon \pi \varepsilon \tau \eta \nu\) \(\alpha \mu \alpha \tau \mu \alpha \delta \kappa \tau \omega\) \(\nu \varepsilon \omega\). Shilleto has given some examples on Thuc. i 32 \(\text{§} \ 4\).
\end{quote}

\begin{quote}
\text{§} 58. But, if I had really wronged him ever so much, and if all he intends to say against me were true, this at least is certain, that worse wrongs have been condoned by others, and so made no longer actionable.
\end{quote}

\begin{quote}
\text{kai \gamma\varphi} \text{ See on \(\text{§} \ 54\).}
\end{quote}

\begin{quote}
\text{\(\delta \lambda \lambda\) \(\omega \mu \omega\) \text{ Yet in all these cases the law has appointed one limit and one end of the dispute in the settlement by mutual consent.'}
\end{quote}

\begin{quote}
\text{\(\text{§} \ 59\). The strongest case of this is seen in the law which acquires even a homicide if the dying man forgives him.}
\end{quote}

\begin{quote}
\text{\(\acute{\alpha} \kappa \omicron \omicron \upsilon \omicron\) This, the manuscript reading, is more probable than Reiske's conjecture \(\acute{\epsilon} \kappa \omega \omicron \omicron \upsilon \omicron\), which is adopted by Bekker, followed by Kennedy; for it is not likely that deliberate and intentional murder would be pardoned.—\(\mu \eta\) \(\kappa \alpha \beta \alpha \rho \omicron \nu\), that he is \(\epsilon \nu \alpha \gamma \iota\), or has contracted a guilt requiring formal expiation.—\(\alpha \delta \delta \varsigma \varsigma \varsigma \), 'to show mercy to a suppliant,' is almost a technical term. [The whole of this passage \(\epsilon\ \tau \omega \iota\nu\nu\) — \(\tau \omicron \omega\) \(\alpha \iota \tau \omicron \nu\) \(\epsilon \sigma\tau\nu\), and \(\text{§} \ 60\ \epsilon\ \iota\nu\ \upsilon \pi \varepsilon\) — \(\kappa \alpha \tau \alpha \nu \theta \iota \sigma\iota\sigma\sigma\a)\), is repeated almost verbatim—a practice not very uncommon with Demosthenes, in Or. 38 \(\text{§} \ 21\) and 22, where the words \(\text{\textit{\(\acute{\alpha} \kappa \omicron \omicron \upsilon \omicron\)}}\) \(\text{\textit{\(\vartheta \omicron \nu\)}}\) \(\text{\(\textit{\(\kappa \tau \alpha \nu \lambda \theta \iota \sigma\iota\sigma\sigma\sigma\)}}\), (though one ms the codex Bavarianus has \(\acute{\epsilon} \kappa \omega \omicron \omicron \upsilon \omicron\))
\end{quote}
tā taut' aïdēsētai kai ἀφῇ, οὖκετ' ἐκβάλειν κύριος
tōn aútōn ἐστιν. οὖδὲ γ', ἂν ὁ παθὼν αὐτὸς ἀφῇ τοῦ
φόνου, πρὶν τελευτῆσαι, τὸν δράσαντα, οὖδεν τῶν
λοιπῶν συγγενῶν ἔξεστιν ἐπεξείναι, ἀλλ' οὓς ἐκπίπτειν
καὶ φεύγειν, ἂν ἀλίσκωνται, καὶ τεθύνατε προστάτ-
tουσιν οἱ νόμοι, τούτους, ἂν ἀφεθῶσιν, ἀπαξ ἀπάν-
tουν ἐκλύει τῶν δεινῶν τούτο τὸ ῥῆμα. εὐθ' ὑπὲρ μὲν ὦ
ψυχῆς τ' καὶ τῶν μεγίστων οὕτως ἰσχύει καὶ κεινὲ τὸ
ἀφεῖναι, ὑπὲρ δὲ χρημάτων καὶ ἐλαπτονόν ἐγκλημά-
tουν ἀκυρον ἔσται; μηδαμῶς. οὐ γὰρ εἰ μὴ τῶν δικαίων
έγω παρ' ὑμῖν τεύξομαι, τοῦτ' ἔστι δεινότατον, ἀλλ'
984 εἰ πράγμα δίκαιων ὀρισμένον ἐκ παντὸς τοῦ χρόνου
νῦν καταλυθήσεται ὑ' ἧμῶν.

ὑ' τῆς ψυχῆς Ζ.

καταλύσετε Ζ εἰς B. ἦν cf. Or. 38 § 22 νῦν καταλυθήσεται.

support the reading adopted in the text. Cf. Or. 23, Arist-
tocr., § 72, τῶν ἀλώντα ἐπὶ ἀκοιοσὶν ὕπον ἐν 
αιδέσηται τοῦ τῶν ἐν γένει τοῦ πεπονθότος,
also ib. § 77. S.]

ἐκβάλειν] 'To procure his
banishment,' contrasted with
ἐκπίπτειν καὶ φεύγειν, infr.

οὖδὲ—οὖδενι] See on Or.
34 § 1.

tοῦτο τὸ ῥῆμα]. 'This expres-
sion, 'I forgive.'" Plat. Phileb.
p. 20 b, τὸ γὰρ εἰ βούλει ῥηθὲν
λυεῖ πάντα φόβον ἑκατὸν πέρι,
i.e. that single phrase 'if you
please' does away with all fear
in every one of these questions.

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

ἡμῶν] The last two words
are omitted in Or. 38 § 22, and
indeed are hardly necessary, as
νῦν is quite sufficient as a con-
trast to ἐκ παντὸς τοῦ χρόνου.
Perhaps we should here read
ὑφ' ἧμῶν, 'by your present de-
cision.'
This speech turns on a point involving some curious questions in the rights of citizenship. It is primarily this: whether two sons of the same father, both enrolled as citizens, have a legal right to the same name. The civil disabilities resulting from it are described in detail; and although such difficulties could hardly arise with us, who use a plurality of names, the Athenian custom of describing a person solely by one name, with the addition of that of his father and deme (borough or parish), made it impossible, in such cases as election by lot to any office, or the appointment to any service, to know,

1 "The peculiar system of the Romans enabled them to associate with the individual’s name an intimation of his clan and his family. But the Greeks, without such help, endeavoured to make a single name indicate as much as possible concerning the individual’s relationship. Thus a Mantias names his son Mantitheus, preserving one element of his name, and varying the remainder. This method was exceedingly common, as appears from the witness of epitaphs, such as Δημοφῶν Δημο-
publicly at least, which of the two was intended. It is distinctly affirmed in §§ 32 and 40, that no Athenian citizen ever called two sons of his own by the same name.

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

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

2 From § 18 it seems likely that he had enlisted popular sympathy; and this may in some degree explain the probable result of the trial in his favour.
on oath before an arbitrator, whether Boeotus and Pamphilus were her sons by Mantias or not. She had assured him privately that if the oath on the affirmative were tendered to her, she would decline to take it; and it had been further arranged, that a sum of money should be paid to her for so declining it. She, however, had unexpectedly sworn that they were her sons by Mantias; and thus Mantias was obliged to enter both sons in the clans (φαραγίαν or ‘families’), according to the established rule of the first enrolment or registration of citizens’ children, which usually took place at an early age. It was then that the name of Boeotus was given to the elder, that of Pamphilus to the younger son. However, before the second enrolment into the register of citizens (in the γραμματείον ληξιαρχικόν) had taken place, Mantias died. Boeotus then, dissatisfied with the name (which, though taken from his maternal uncle, he pretended had been given him in contempt¹), contrived to get himself registered as Mantitheus. The true Mantitheus resents this: he had, in filial obedience, recognised his half-brothers, taken them to live with him after his father’s death, and acknowledged them as his co-heirs. But he insists on his sole right to the name of Mantitheus. Both in this and in the next speech, which is intimately connected with it, examples are given in which real inconvenience had resulted from the two having the same name.

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

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

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

[Had the plaintiff gained his cause we may be quite sure that in his subsequent speech περὶ προικός (Or. 40) he would have expressly asserted that it had been legally decided that the name of Mantitheus belonged to himself alone. Further, in the latter part of § 18 of that speech, the suit περὶ προικός is described as directed against the defendant under the name of Mantitheus. Hence Dionysius of Halicarnassus rightly calls the first speech πρὸς Βοιωτὸν ὑπὲρ τοῦ ὀνόματος and the second πρὸς Μαντιθέων περὶ προικός. It may be interesting to add that, in portions of his treatise on Demosthenes. All that remains of that discussion may be found in his treatise on Deinarchus §§ 11—13, where he combats on chronological grounds the notion that the speech περὶ τοῦ ὀνόματος was written by the later Attic orator Deinarchus, and assigns it to the archonship.

1 οὕτε ἐτόδικει τότε παρὼν, οὐσ᾿ ἐφή με καταδιαυτήσασθαι τὴν δίκην αὐτοῦ· οὐ γὰρ εἶναι Βοιωτῶν αὐτῷ ὀνόμα, ἄλλα Μαντίδεων. (Or. 40 § 18.)

2 Or. 40 § 18 τὴν αὐτὴν ταύτην δίκην λαχών αὐτῷ Μαντιθέω...νῦν εἰς υἱὰς κατασκευάσας.

3 Both speeches were carefully discussed by him in the lost
an inscription referring to a date shortly after B.C. 342,
or at least eight years after the present trial, both the
elder and the younger Mantitheus are mentioned with
Pamphilus as heirs of Mantias\(^1\). The date of the speech
is determined within narrow limits by the reference to
the battle of Tamynae (§ 16 n.), which may perhaps be
placed in the spring of B.C. 350. The trial probably took
place in the autumn of that year\(^2\). S.]

of either Thessalus (Ol. 107, 2=B.C. 351—0) or Apollodorus
(Ol. 107, 3=B.C. 350—49). A. Schaefer, *Dem. und seine Zeit,*
ii 2, p. 222 ff., and Boeckh’s
*Staatshaushaltung der Athener*
(2nd German ed.) i, p. 680—1
=p. 675 trans. Lamb. See
also Blass, *Att. Ber.* iii 288,
416, where it is observed that
Dionysius was misled by a false
reading Πωλας for Ταμώνας in
§ 16, the former referring to
the Athenian naval expedition
to Thermopylae in Ol. 106, 4
=B.C. 353—2. Blass assigns
the speech to the year 348.

\(^1\) The inscription (as restored
by Boeckh, *Urkunden über das*
*Seewesen X*\(^4\) 4—12; cf. p. 380 f.)
is as follows: Μαντ[ιας Ἀθρίκιος],
ταμία[ς γενόμενος εἰς τὰ νεώ]ρα
Κα — [ἀρχόντος]. ἕπερ το[ίτου
ἀνέδω]καν κλη[ρονόμοι] Πάμφιλος
[Θορύκιος] ἩΗΗΔΠΓ, Μαντίθεος
[Θορύκιος] (ιὸς) — —, Μαντίθεος [Θο-
ρύκιος] (ιὸς) — —. A. Schaefer, *u. s.*
pp. 214, 220.

\(^2\) A. Schaefer, *u. s.* p. 223.
XXXIX.

ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ.

ΥΠΟΘΕΣΙΣ.

Μαντίας, εἷς τῶν πολιτευσαμένων Ἀθηναῖος, γῆμας γυναῖκα κατὰ τοὺς νόμους ἐκ ταύτης παῖδα ἐκτῆσατο τὸν νυνὶ δικαζόμενον: προσήει δὲ τινὶ Πλαγγόνι κατ'

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

1. Μαντίας] A minor politician and public speaker. Cf. § 3, πολιτευσαμένου, and Aristot. Rhet. ii 23, περὶ τῶν τέκνων αἱ γυναίκες πανταχοῦ διορίζουσι τάληθες: τοῦτο μὲν γὰρ Ἀθηναῖος Μαντία τῷ ὑπὲρ τοὶ ἀμφισβήτουντι πρὸς τὸν νῦν ἢ μήτηρ ἀπέσφηνε. The evidence of inscriptions proves that he was treasurer of the Athenian dockyards about 360 B.C., and concerned in the registration of vessels in the harbour of Munychia; at a later date (after 342 B.C.) his heirs had to discharge a debt incurred by him in those duties. (Cf. § 25, τίς ἡν χρηματιστῆς ὁ πατήρ.) See note 1 on p. 140, and Arnold Schaefer's Dem. und seine Zeit, ii 2, p. 214. S.]

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

3. προσήει] Here the plusquam perfectum, 'he had had connexion.' The name Πλαγγόνι is perhaps a ὕποκόρισμα, as the word means 'Dolly.' Hesych. πλαγγόνι κηρυνόν τι κοροκόσμων. The fact of this woman being ἁστὴ, not δοῦλη or ξένη, made the sons legitimate, if acknowledged by the father, even if the marriage was not κατὰ νόμους.
There was a law (Arg. ad Or. 57, πρὸς Εὐδορίδ.) to the effect that the names of those who were not born of both father and mother who were citizens, should be struck off the register; τοὺς μὴ γεγονότας εξ ἀστοῦ καὶ εξ ἀστῆς ἐξαλείφεσθαι. So Or. 48 § 53, Ὅλυμπιόδωρος γὰρ οὕτως γυναικα, μὲν ἀστὴν κατὰ τοὺς νόμους τοὺς ἑμετέρους οὐδὲν ἐπέστησεν ἢ γνημείον, οὐδέ εἰσιν αὐτῷ παῖδες οὐδ' ἐγένοντα.

6. ἀναλαμβάνει] Suscipit, 'acknowledges as his own.'

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

ib. προκαλέσατο] This word, 'to make a formal offer,' governs a double accusative, τί τινα. So πολλὰ προκαλομένου, sc. τὸν ἐρωτα, in Ar. Ach. 984, Or. 30, πρὸς Ὅνητ. § 1, πολλὰ καὶ δίκαια προκαλομένου ἀμφότερος, and προκαλεσθαὶ τινα πρόκλησιν, Or. 56 § 17.

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

12. ὑπὲρ τούτου] sc. τοῦ μὴ ὀμόσαι αὐτὴν.

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

ib. προτεινόμενον] 'When offered.' Perhaps προτεινόμενον, i.e. αὐτοῦ, 'should he offer it.'

15. προκαλεσθαμένον] 'When he called upon her to make her declaration on oath.'—συνθήκας, the pledges she had given that she would decline to take the oath.
tás συνθήκας δέχεται τῶν ὄρκων. καὶ οὗτο μὲν ἀναγκάζεται τοὺς παῖδας ἀναλαβεῖν, μετὰ τούτο δὲ τετελεύτηκεν. ὁ τοίνυν ἐκ τῆς νόμῳ γαμηθεῖσις γυναικὸς παῖς δικάζεται τῷ ἐτέρῳ τῶν εἰςποιηθέντων περὶ τοῦ ὄνοματος, λέγων αὐτὸν Βοεωτὸν καλείσθαι 20 προσήκειν, ὁπερ ἐξ ἀρχῆς ὁνομάζετο, καὶ μὴ Μαντιθεον· τοῦτο γὰρ αὐτῶ\(^b\) παρὰ τοῦ πατρὸς ἐξ ἀρχῆς τεθέισθαι τούνομα. αὐτόθεν μὲν οὖν δόξειν ἂν τις φιλοπράγμων καὶ φιλόνεικος ὑπὲρ προσηγοριῶν διαφερόμενος· ὁ μὲν τοιούτο λόγος ἰκανὰς ἀποδείξεις παρέχεται τοῦ 25 καὶ δημοσία καὶ ἱδία βλαβερὰν εἶναι τὴν ὀμωνυμίαν.

\(^a\) μετὰ δὲ τοῦτο Ζ.

18. τετελεύτηκεν] 'He died.'

19. εἰςποιηθέντων] 'Who had been admitted by adoption into the roll of the citizens.'

20. τοῦτο γὰρ αὐτῶ\(^b\)] If we read αὐτῷ, τοῦτο must mean Boeotus. If αὐτῷ, then Mantitheus: 'For this name had been given to himself, Mantitheus, by his father.'

21. τεθείσθαι] Here put passively. The Attic writers of the best age used κείσθαι in preference. [The only instances of τεθείσθαι as passive quoted by Veitch, Gk. Verbs, are Ar. fragm. 304, ἄμφοτέρων ἐχθρῶν αὐτῷ τεθείσθαι τούνομα, which may be middle, and Demades 12, τῶς ὄρους τῆς Λακωνίκης τεθείμφως, which is from a spurious speech by a late Rhetorician. For its correct use, as a middle, cf. § 40, ὡστὶς ταύτων ὄνομα τέθειται, and for the passive, Isaeus 111 32 (ὄνομα) ὑπὸ τοῦ πατρὸς κείμενον. (Isocr. ad Dem, § 30 n.) S.]

22. τοῦτο γὰρ αὐτῶ\(^b\)] Prima facie, as we say; lit. from the facts of the case itself. 'From a casual view of the matter, a man might be thought litigious and quarrelsome in disputing about names and titles; but the speech itself supplies good proofs that the having the same name is seriously inconvenient both on public and on private grounds.' The former of these are summed up §§ 7—12, the latter §§ 13—18.

23. τεθείσθαι] Here put passively. The Attic writers of the best age used κείσθαι in preference. [The only instances of τεθείσθαι as passive quoted by Veitch, Gk. Verbs, are Ar. fragm. 304, ἄμφοτέρων ἐχθρῶν αὐτῷ τεθείσθαι τούνομα, which may be middle, and Demades 12, τῶς ὄρους τῆς Λακωνίκης τεθείμφως, which is from a spurious speech by a late Rhetorician. For its correct use, as a middle, cf. § 40, ὡστὶς ταύτων ὄνομα τέθειται, and for the passive, Isaeus 111 32 (ὄνομα) ὑπὸ τοῦ πατρὸς κείμενον. (Isocr. ad Dem, § 30 n.) S.]
genious fraud, to induce my father to recognise him and his brother as his own sons by another woman. He had hoped she could not swear to his being hers by him; but she did swear it, and they were accordingly enrolled in the phratry as his. And now, my father being dead, he has gone and entered himself in the city register by an altered name, which is the name that I had previously received.

ουδεμιᾷ κ.τ.λ.[*] ‘It was not from any fondness for lawsuits, I protest by all the gods, gentlemen of the jury, that I brought this action against Boeotus, nor could I be ignorant that to many it will seem strange conduct in me to bring an action at all, just because another chooses to have the same name as myself; yet it was necessary, from the consequences that are sure to ensue if I do not get this matter set right, to stand a trial before you.’ The proeme is unusually brief, but it sets forth the case in a very clear and business-like way.—ἐν τωι (or rather ἐν τισι) κρίνεσθαι is the regular idiom, as δίκην λαγχάνειν is the familiar term for ‘bringing an action,’ derived from the obtaining leave (originally by drawing lots) to bring on the suit on a certain day. The bringing the action actually into court is technically δικήν εἰσελθεῖν or εἰσίναι. For κρίθναι we might rather have expected διαδικάσασθαι: κρίθναι, however, is virtually middle.

2. περιεργος] ‘meddlesome,’ ‘fussy.’ The περί has the sense that it bears in περισσῶς, περιεγενέσθαι, περιείναι, περιουσίως, of ‘superfluity;’ but it is not easy to explain it.

νῦν δὲ λαχών δίκην τῷ πατρὶ τῷ οὗτῳ Ζ. ‘But as it is, the case stands thus. He brought a suit against my father, and after getting up a gang of informers on his side—Mnesicles, whom I dare say you all know well enough, and Menecles, the wretch who got the poor girl Ninus convicted, and some others of that sort—he went into court, declaring he was Mantias’ son by the daughter of Pamphilus, and that he was being shamefully treated, and robbed of his rights as a citizen.’ Of the conviction of Ninus, probably by ψευδομαρτυρία, little certain is known; but it was evidently regarded as a public
scandal. We should expect Νῶς, or Νώς, as ἡ Νίνος is a strange form for a woman's name. Allusion is made to this person, who was a priestess, in Parallel. § 281, where the schol. says she was put to death, ὡς φίλτρα ποιοῦσα τοῖς νέοις. See Mr Heslop's note ibid. [Dionys. Halic. Deinarchus 11, Μενεκλῆς ὁ τὴν ἱέρειαν Νίνον ἔλαχ. Cf. Josephus adv. Apion. π 37 § 4, ed. Müller 1877, νῦν μὲν γὰρ τινα ἱερείαν ἀπέκτειναι, ἐπεὶ τις αὐτῆς κατηγόρησε, ὅτι ξένους ἐμόλει θεοὺς, which is supposed to refereritheor to Nunus (Foucart, Des Associations religieuses chez les Grecs, 1873 p. 132), or to Theoris (Plutarch, Dem. 14). Like Πλαγγόν, the name probably means 'Dolly.' Cf. Νάνα, Νάννον, Νανώ (in Pape-Benseler's griech. Eigennamen). S.J.

ἐργαστήριον] See Or. 37, Ἀργυμ., and ibid., § 39, περιστάσας τοὺς μεθ᾽ έαντοῦ, τὸ ἐργαστήριον τῶν συνεστώτων. In the parallel passage of Or. 40 § 9 we have παρασκευασμένος ἐργαστήριον συκοφαντῶν. For ἐκεῖνος, 'that notorious man,' comp. Or. 35 § 6, Θρασυμήθησα ὁ Διοφάντου νῦς, ἐκεῖνον τῷ Σφηττίον. In Or. 40 § 32, it is Meneles who is charged with being the real author of the whole plot.—νῦς εἶναι, i.e. the son of Mantias, and not of some other man, as Mantias wished him to be thought.

ἐκ τῆς Παμφίλου θυγατρός] Or. 40 § 20, Παμφίλου...δὲ ἡ πατήρ τῆς Πλαγγόνος.

3. μὴ τις κ.τ.λ.] 'Lest some one, resenting some annoyance he had received elsewhere (i.e. not in court) from Mantias when in office, should confront him here.' Mantias had evidently been unpopular in his administration (cf. note on ὑπόθεσις, l. 1), and was afraid lest some one should pay off an old score by giving evidence against him if he disclaimed the relationship before the diacasts. From Or. 40 § 37, it seems that Mantias had been an ambassador or πρόζεσιον to the Mytileneans, or in some way had performed a public service for which they had voted him a reward. To avoid the risk of meeting his political enemies in court, he had made a πρόκλησις, or offer of settling the matter, by the summary process of denying the parentage, before an arbitrator, or perhaps in presence of the Archon, on the testimony of Plango on her oath.

P. S. D.
of voluntary oath, if any one should tender her an oath (lit. an object to swear by), she would decline to take it. The terms δήδωσαι and δέξασθαι ὅρκον are well known, if only from Aesch. Eum. 429, ἀλλ᾽ ὥρκον ὅν δέξαιτ' ἂν, ὦ δούναι θέλει. We might render μὴ δέξασθαι 'that she would swear they were not,' and this seems the more idiomatical meaning. The author of the Argument, however, says ὅν ὥρκον μὴ δέξασθαι.—οὐδὲν ἔτι, κ.τ.λ. That, this being done, all connexion between them should cease. The transaction here mentioned is more fully described in Or. 40 §§ 10, 11. —μεσεγγυήςσαι is 'to get a sum of money placed in the hands of a third party' (in sequestro deponere). Mantias had promised that she should receive a certain sum on the condition of fulfilling her promise. [Harpocr. μεσεγγύηα: τὸ ὁμολογηθὲν ἀργύριον παρ᾽ ἀνδρὶ μέσῳ γεμόμενῳ ἐγγυητὴ τῆς ἀποδόσεως. Hermann, Privatalt. § 68, note 20 = Rechtsalt. ed. Thalheim p. 91, quotes Antiph. de Chor. § 50, Lysias adv. Philocr. § 6, Isoocr. de Soph. § 5. S.] 4. κατομόδωσασθαι] Lit. 'to swear by a given object.' Hence the genitive in Ar. Equit. 660, κατὰ χίλιον εὐχήν ποίησασθαι, and ἐπαράσασθαι κατ᾽ ἐξωλειας, ῥυμοῦναι κατὰ παιδῶν (Or. 54 § 38). Compare καταγοράσατ, 'to buy goods as against a loan of money.' Or. 34 § 7. The primary idea must have been adverse action against some one.

φάτερας] After the adoption, the first enrolment into the families took place; a political-religious ceremony. Ar. Ach. 145, ο δ᾽ ύιός, δι᾽ Ἀθηναίων ἐπεποίημεθα, ἦρα φαγεῖν ἀλλάντας εξ Ἀπατούρων, i.e. ἐγγράφησασθαί eis τούς φάτερας. [Harpocr. Ἀπατούρια: εὐρίτης τις παρ᾽ Ἀθηναίων ἦν ἀγοῦσι Παναχείων ἐφ᾽ ἥμερας δ᾽ κ.τ.λ. Id. φάτερες: Δημ. περὶ τοῦ ὀνόματος. φατρία ἐστι τὸ τρίτον μέρος τῆς φυλῆς, φάτερες δὲ οἱ τῆς αὐτῆς φατρίας μετέχοντες. Hermann's Political Antiquities, § 99. S.] Cobet, Var. Lect. p. 350, shows that φάτερες is the true form, not φάτρεπες.
σατο, ὑνα τὰν μέσον δυνάμειν, ἐγγράφει τὸν Ἀπατο-
ρίον τούτον μὲν Βοιωτόν εἰς τοὺς φάτερας, τὸν δ' ἐτέρον Πάμφιλον Μαντίθεος δ' ἐνεγέγραμμην ἕγο. 996 συμβάσης δὲ τῷ πατρὶ τελευτῆς πρὶν τὰς εἰς τοὺς 5 δημῶτας ἐγγραφὰς γενέσθαι, ἐλθὼν εἰς τοὺς δημῶτας οὔτοσι ἀντὶ Βοιωτοῦ Μαντίθεου ἐνέγραψεν ἐαυτὸν. τούτῳ δ' ὁσα βλάπτει ποιών πρότων μὲν ἐμὲ, εἴτα δὲ καὶ ὑμᾶς, ἐγὼ διδάξω, ἐπειδὰν ὁν λέγω παράσχω-
μαι μάρτυρας.

ΜΑΡΤΥΡΕΣ.

'Ον μὲν τούν τρόπον ἡμᾶς ἐνέγραψεν ὁ πατήρ, 6 ἀκηκόατε τῶν μαρτύρων 'ὁτι δ' οὐκ οἰομένου τούτον δεῖν ἐμμένειν, δικαῖον καὶ ἀναγκαῖον ἐλθαχον τὴν δίκην,

h τάμμεσιν Ζ.  
i αὐτῶν Ζ.  
k om. Bekk. 1824.

Βοιωτόν) 'By the name of Boeotus.' If this was the name given at the Apaturia, when the first enrolment took place, the name Mantitheus could not be substituted for it at the second enrolment among the ἀστολ, viz. when, on passing the δοκι-
μασία, the young men were en-
tered on the γραμματεῖον ληξιαρ-
χικῶν. Cf. Or. 30 § 6, ἐπειδή
tάχιστ ἀνήρ εἶναι δοκιμασθέιν.

ἐνεγεγράμμην] 'I had before been enrolled (in the phratries) as Mantitheus.' Therefore he had a prior claim to the name.

5. εἰς τοὺς δημῶτας ἐνέγραψεν] The enrolment of Boeotus in the later register was fraudulent, and succeeded only because his father was dead. See Or. 40 § 34. Such an event argues some carelessness in the keeping of the state registers. [See Hermann's Political Antiquities, § 121, and A. Schaefer, Dem. u. s. Zeit, iii 2, 19—38. S.]

tοῦτο δὲ, κ.τ.λ. ἡ ε. τοῦτο ποιών ὡσα βλάπτει ἐμὲ, κ.τ.λ.  
6. ἐμμένειν] To abide by the name, Boeotus, which his father thought fit to give him. δικαίως, κ.τ.λ. to be construed with ἔλαχον.—ἐγὼ γὰρ, κ.τ.λ. 'for, of course, I am not such a 
dolt nor so inconsiderate as to have consented to take a third share of my father's property, (though all of it was coming into my possession,) on the ground that my father had adopted these men, and to rest content with that, and then to go and quarrel with one so near of kin about a name, were it not that our changing our name (i.e. my changing mine) was likely to bring serious dis-
credit and the charge of want of proper spirit, while his having the same name with me was on many accounts im-
possible.'
toûτ’ ἥδη δεῖξω. ἐγὼ γὰρ οὐχ οὕτω δῆπον σκαῖος εἰμι ἀνθρωπος οὐδ’ ἀλόγιστος ὥστε τῶν μὲν πατρῶν, ἂ πάντα ἐμὰ ἐγκύνετο, ἐπειδὴ περὶ ἑπούσατο τοῦτος ὁ πατήρ, συγκεχωρικέναι τὸ τρίτον νείμασθαι μέρος καὶ στέργειν ἐπὶ τούτω, περὶ δ’ ὀνόματος γνωμαχεῖν, εἰ μὴ τὸ μὲν ἡμᾶς μεταθέσθαι μεγάλην ἂτιμίαν ἔφερε καὶ ἀνανδρίαν, τὸ δὲ ταῦτων ἔχειν τούτων ήμῖν ὄνομα διὰ πόλλα ἀδύνατον ἦν.

7 Πρῶτον μὲν γὰρ, εἰ δεῖ τὰ κοινὰ τῶν ἰδίων εἰπεῖν

...σκαῖος...ἀλόγιστος] 'Stupid and unreasonable.'
ἐγκύνετο] 'Which were becoming mine,' before my father was driven to adopt them.
τὸ τρίτον μέρος] Or. 40 § 48, κάγῳ μὲν διὰ τὴν τούτων μητέρα τὰ δύο μέρη τῆς οὔσας ἀδαφερθεὶς ὅμως αἰσχύνωμαι λέγειν περὶ ἐκεῖνης τὴν φλάυρον.
γνωμαχέοι] 'To wrangle,' 'to carry on a family quarrel,' a metaphor either from two rowers on the γυνόν (cross-bit) of a trireme, or from two animals under the yoke. Hesiod, Opp. 439 οὐκ ἀν τὸ γ’ ἐρίσαντε καὶ ἀυλακά καμμέν ἄροτρον ἀξέιαν, τὸ δὲ ἐργον ἐτύφωσον αὐθί λήπον. It is from the latter simile that the author of the preface to the Iliad says εξ’ οὐ δὴ τὰ πρῶτα διαστήτῃν ἐρίσαντε 'Ατρείδης τε ἄναξ ἀνδρῶν καὶ δίος 'Αχιλλέως. Hesych. γνω-
μαχεῖν τὸ τοῖς οἰκείοις διαφερο-
σθαι. It is a verb of the later Attic, used by Menander.

§§ 7—12. An enumeration of the anomalies and confusion that would result in the state from two citizens bearing the same name. (1) Supposing some public service is imposed; which of the two is to perform it? (2) Or which of the two is to pay the penalty for re-
fusing to perform it? (3) The same may occur if the name is entered on the list of contributors, or in the military list, or for any public function to which the archon or other authorities are nominating fitting persons. It would be possible, but it would also be illegal, to distinguish them by adding the name of the mother. (4) Or suppose a judge or umpire were nominated; who is to know to whom is summoned? (5) If, on the other hand, the appointment is not a burden, but an honour, there would be no way of knowing which of the two was elected by the lot, unless indeed a mark is put on it; and even then the meaning of the mark would only be known to a very few. (6) If the two should enter into a compact that the lot drawn for the one should be counted for the election of the other; that would violate the law which orders, under penalty of death, that "no citizen shall have more than one lot drawn on his behalf."

7. τὰ κοινά] 'To mention public before private difficulties, in what way shall the state impose the duty, if there is anything to be done,' i.e. any burden or liturgy to be performed?
The state, as the master, gives its orders on the subject as its slave. ἐπιτάσσειν is the technical word in this sense, whereas προστάσεως is used of general commissions, orders, or appointments; in poetry even πάσ- σεως, as φωνεῖν ἑτάχθην πρὸς σοφὸν διδασκάλον, Aesch. Eum. 269. We have ὀκεύτη προστάσαι in Or. 37 § 24, but the more common word is ἐπιτάσαι. So ἐπιταττόμενος φοιτᾶς, Ar. Vesp. 636.—οἶσον, 'the members of the tribe will propose the name (or 'will return us') by the same formula as they adopt for the citizens in general,' i.e. by the name of the person with the addition of his father and his deme or ward (borough). 

χορηγῶν] 'Choral-Steward.' Prof. Kennedy.

ἐστιάτορα] [Harpror. ἐστιά- τωρ: ὁ τράπεζαν τισὶ παρατίθεις. Δημ. ἐν τῷ πρὸς Βοιωτόν. εἰσίων τὰς φυλὰς οἱ μὲν ἐκλελοναί, οἱ δὲ κηρυστούμι, ὡς ὁ αὐτὸς ῥήτωρ ὅπελοι ἐν τῷ κατὰ Μειδίου (p. 565, 10)?] S.] One of the public duties was to give an annual dinner (probably in the Prytaneum), at the cost of some wealthy citi-

the men of his tribe on days of sacrifice and on feast-days;" but it is obvious that this requires some limitation. Boeckh (Publ. Ec. p. 465, trans. Lewis) thinks the ἕστιατορες were appointed according to the amount of property in some regular succession which is unknown to us. He thinks there may have been two thousand guests, and the cost nearly 700 drachmas. It may perhaps be doubted if the entertainment was so general, and not in fact limited to the fifty βουλευταί in each tribe.—The gymnasiarchs (Boeckh, p. 462) had to maintain and pay those persons who were training for the celebration of the festivals, as well as to provide the requisite food for the combatants and the requisite decorations for the exhibition.

8. σὺ μὲν γάρ] As we neither of us shall like the duty, we shall try to shift it on to each other's shoulders.

καὶ δὴ] 'And now suppose,' as in Eur. Med. 386, καὶ δὴ τεθνάσαι, and often elsewhere. μετὰ τοῦτο] After the refusal to serve. By the words πρὸς δυντιν ἅν Ἦ ἦ δίκη, 'before what-

we must infer that the liturgies were appointed and enforced by different authorities.
προς ὄντων

οὐχ ὑπακούομεν. οὐ λειτουργοῦμεν. πότερος ταῖς ἑκ τῶν νόμων ἐσται ξημίας ἐνοχος; τίνα δ’ οἱ στρατηγοὶ τρόπων ἐγγράφουσιν, ἂν εἰς 997 συμμορίαν ἐγγράφωσιν, ἂν τριήμαρχον καθιστῶσιν;

9 ἂν στρατεία τις ἡ, τῷ δὴ λο γίυ αὐτοῦ πότερός ἐσθ’ ὁ κατειληγμένος; τί δὲ, ἂν ἄλλη τις ἁρχὴ καθιστῇ εἰς

οὐχ ὑπακούομεν, ‘we refuse to obey the summons,’ and ‘do not accept the service,’ i.e. we show contempt of court and incur a penalty.

τίνα δ’ οἱ στρατηγοὶ κ.τ.λ.] ‘In what manner will the war office (the War-Commission of the ten generals) enter us, if they are entering the names for a tax-company?’ Prof. Kennedy. eis συμμορίαν] Each of the ten tribes of the Athenians returned a list of an hundred and twenty, who were the richest of their members. Each of these lists was equally divided, and thus there were in all twenty classes called συμμορία, each of sixty persons. The twelve hundred thus collected were again divided into two parts, each of six hundred men, and each of these again into two; so that there were four divisions in all, of three hundred each. Now these three hundred, who surpassed the more numerous remainder in wealth, took the lead in contributions; and on urgent occasions of war they paid down the subsidy required, and collected it back from the poorer members at some time less unfavourable; and thus they had them submissive to their dictation on all points. (Wolf, Introd. to Lep- tines, p. 49, ed. Beatson.) See Or. 37 § 37, ἂν προεισφοράν μὴ κομίσῃται. These classes were, of course, a shifting list, according to the changes of fortune and the census of the citizens. Whether a certain number only in each tribe could be put in the first or richest class, may be doubted; but the rich tribes would reasonably bear a greater share of the state burden than the poorer ones. The subject is fully explained by Boeckh, Publ. Ec., Bk. iv. chap. xiii.

9. ὁ κατειληγμένος] ‘The person entered on the military list,’ ‘enlisted.’ Here also the technical term was ἐγγράφων. The constant changes made in this list by the taxarchs caused a great deal of trouble and annoyance. Ar. Pac. 1179, δρῶσιν οὐκ ἀνασχέτα, τοὺς μὲν ἐγγράφοντες ἡμῶν, τοὺς δ’ ἄνω τε καὶ κάτω ἐξαλείφοντες δι’ ἡ τρίς.

tί δὲ ;] Like Quid! ‘Or again!’ ἃρχῃ] ‘The authorities,’ ‘the magistrate,’ like magistratus, used of the public officer as well as his office. Aeschin. Ctesiph. § 21, ἃρχην υπεδύοντο μὴ ἀποδημεῖν. Cic. in Phil. § 52, consulibus reliquisque imperis et potestatibus. Caesar B. C. iii 32, plena lictorem et imperiorum provincia. Juv. x 100, Gabiorum potestas (cf. the Italian podesta). S.]
λειτουργίαν, οίον ἄρχων, βασίλευς, ἀθλοθετάται, τί σημεῖον ἔσται πότερον καθιστάσιν; προσπαραγράψουσι νὴ Δία τὸν ἕκ Πλανγόνος, ἄν σε ἐγγράφωσιν, ἄν ὁ ἐμὲ, τῆς ἐμῆς μητρὸς τούνωμα. καί τίς ἠκουσε πόσποτε, ἣ κατὰ ποῖον νόμου προσπαραγράφοιτ' ἄν τούτῳ τὸ παράγραμμα ἢ ἄλλο τι πλὴν ὁ πατὴρ καὶ ὁ δήμος; ὥν ὑντὼν ἀμφοῖν τῶν αὐτῶν πολλῆς ταραχῆς συμβαίνει. φέρε, εἰ δὲ κρίτης καλοῖτο Μαντίθεος Μαντίου το Θορίκιος, τί ἄν ποιοῦμεν; ἢ βαδίζουμεν ἄν ἀμφώ; τῷ γὰρ ἔσται δήλον πότερον σὲ κέκληκεν ἡ ἐμὲ; πρὸς Δίως, ἄν δ' ἄρχὴν ἡντινοῦν ἡ πόλις κληροῖ, ὅν βουλής ἡ θεσμοθέτου ἡ τῶν ἄλλων, τῷ δήλος ὁ λαχὼν ἡμῶν ἔσται; πλὴν εἰδ' σημείου, ὄσπερ ἄλλῳ τινί, τῷ

p. 997

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ública remarks, "that nice distinction which is so familiar to us between the province of the judge and jury." Perhaps an arbitrator is here meant, or an umpire in any dispute, public or private. [A judge in any games, any theatrical or other contest: and not a law officer. Prof. Kennedy.] The subject to κέκληκεν may be ὁ ἄρχων, or ὁ κρινόμενος.

κληροῖ] The subjunctive; and the same is also the present indicative and optative of verbs in -ω. 'If the state is appointing to any office by lot.' The middle voice is used of the person who obtains it, κληροῦσα, sortitur, or εἰλήξε.—θεσμοθέτον, one of the six minor archons; 'the office of Thesmothet.' To this genitive, which is more familiar as an English than a Greek use, τῶν ἄλλων is attracted; we should rather expect either ἣ τῶν ἄλλων (ἀρχῶν), or ἥ ἄλλην τίνα.
XXXIX. ΠΡΟΣ ΒΟΙΩΤΟΝ [§§ 10—12]

χαλκιῶν προσέρχεται καὶ οὐδὲ τοῦθ᾽ ὅποτέρου ἐστὶν οἱ πολλοὶ γνώσονται. οὐκοῦν ὁ μὲν ἑαυτὸν, ἐγὼ δὲ ἐμαυ-
τὸν φήσῳ τὸν εἰληχῦτ᾽ εἶναι. οὐσίαν εἰς τὸ δικαστή-
ριον ἡμᾶς εἰσίεναι. οὐκοῦν ἐφ᾽ ἐκάστῳ τούτων δικα-
στήριον ἡμῖν ἡ πόλις καθεῖ, καὶ τοῦ μὲν κοινόν καὶ ἱσοῦ, τοῦ τόν λαχὸν ἄρχειν, ἀποστερησόμεθα, ἀλλή-
λους δὲ πλυνοῦμεν, καὶ ὁ τῷ λόγῳ κρατήσας ἄρξει. καὶ
πότερ' ἀν βελτίωσι εἴημεν τῶν ὑπαρχοὺν δυσκολίαν
ἀπαλλαττόμενοι ἡ κανὼς ἐχθραὶ καὶ βλασφημίαις ποι-

τῷ χαλκῷ] It appears from this that the lot was a piece
of bronze or copper. The diminutive is used as in χρυσίων,
ἀργυρίων, meaning a piece of the metal as distinct from its nature
as bullion. Some difficulty has been raised as to the meaning
of the σμιέοιν here spoken of. Kennedy thinks there is an
allusion to marking the ticket as in the impanelling of jurors; but
he seems to confound it with the σύμβολον which each dicast
received on entering the court where he was to sit (Boeckh, P.
E. p. 235). The sense here is quite simple, if we suppose ὥσ-
περ ἀλλῷ τινι to mean any other common article or chattel that
could be distinguished by the owner's private mark. If there
are two persons called Manti-
thens, only a special mark on the lot (which would be in-
formal) could indicate which of the two was drawn. Even
that mark, he adds, could only be known privately to the
person who made it. [In Iliad v 175, each of the nine Greek her-
roes, in drawing lots for single-combat with Hector, scratches
a mark on his own lot, with a view to its identification, κλῆρον
ἐπημηναντο ἐκαστος, and ib. 187, ἐπιγράψας κυνεγβάλε. Here,
the χαλκία are apparently small plates of bronze, identical with
πινάκια of § 12. Thus, each person eligible by lot for any
κληρωτὴ ἄρχῃ (like that of θεσ-
μοθέτης) would have his full name (e.g. Μαντίδεος Μαντίον
Θορίκος) inscribed on a separate χαλκίων; these χαλκία would be
put into an urn or other vessel and then drawn by the superin-
tending officer. S.]

11. λοκτόν] The only course
remaining is to go into court to
try our rights.—καθεῖ (Attic form of καθίσει), the state will
order a court to sit for us, as
on a special occasion.

πλυνούμεν] 'We shall abuse
each other.' A singular expres-
sion, used more than once by
Aristophanes, as Ach. 381, κά-
κυκλοβορεῖ καταλυνειν. Plut. 1061,
πλυνόν με ποιών ἐν τοσοῦτοις
ἀνδράσιν. Hesych. πλυνεῖται:
βλασφημεῖται, λοιδορεῖται. (Phot.
λοιδορεῖται, αἵσχρως νεβρᾶται.)
Id. πλυνὼν, καταπλυντηρίζει, καὶ
πλυνθόσμαι. 'Αττικοί ἐπὶ τῶν
λοιδορίων λέγουσι.

ἀπαλλαττόμενα] 'By trying
to get rid of our existing dif-
culties,' viz. by settling this dis-
pute about the name. δυσκολιῶν,
'dissensions,' C. R. Kennedy;
'resentments,' H. W. Moss.

βλασφημίας] 'Reerimina-
oúmenoi; ἃς πᾶσα ἀνάγκη συμβαίνειν, ὅταν ἀρχὴς ἂ
τινος ἄλλου πρὸς ἡμᾶς αὐτοὺς ἀμφισβητῶμεν. τί δὲ, 12
998 ἄν ἄρα (δεὶ γὰρ ἀπανθήματας ἐξετάσαι) ἄτερος ἡμῶν
πείσας τὸν ἔτερον, ἐὰν λάχη, παραδονύναι αὐτῷ τὴν
ἀρχὴν, οὕτω κληροταί; τὸ δυὸν πινακίων τὸν ἐνα
κληρούσας τί ἄλλο ἐστίν; εἴτ' ἐφ' ὧν θάνατον ζημιᾶς
ὁ νόμος λέγει, τοῦθ' ἡμῖν ἀδεώς ἐξετάσαι πράττειν;
πάνυ γε' οὐ γὰρ ἄν αὐτὸ ποιῆσαμεν. οἶδα κἂν, τὸ
γοῦν κατ' ἐμὲ ἄλλ' οὔθ' αἰτίαν τοιαύτης ζημιᾶς ἐνίος
ἐχειν καλὸν, ἐξόν μή.

12. ἄν ἄρα] Si forte. Hence the parenthetic clause is added.

δύον πινακίων] Kennedy translates, 'and what is this but
one man balloting with two balls?' But this involves a con-
fusion between appointment by drawing lots, which is here
meant, and election by tacita

suffragia or ballot, which was
rarely resorted to (see Schō-
mann de Comitiis, p. 125). S.]
The πινάκαι are slips of wood,
which may have been in use
when the law in question was
drawn up. [Harpocr. πινάκας
καθέμενα αντι κληρὼν ὑπὸ τῶν
κληρομένων ἐσοκε δ' εἶναι ταῦτα
χαλκᾶ ὡς ὑποσημαίνει Δ. ἐν τῷ
περὶ ὀνόματος. The lexicographer
is doubtless here referring to
τῷ χαλκῷ in § 10. Cf. Photius,
πινάκιοι σύμβολον δικαστικῶν,
χαλκοῦν ήτούσιν. S.] At other
times the bean, κύαμος, was a-
dopted. Cf. Ἔνατ. vi 109 ὁ κυάμος
λαξοῦν, and Thuc. vpp 69 οἱ στὸ
τοι κύαμον βουλευτα. Hence
Δῆμος is called κυαμοτρῶς, Ar.
Equit. 41. Hesych. κύαμος δ'

προεὶ ὁ κληρός.

ἐξόν μή] 'When they need
not,' 'when they might avoid it,'
lit. 'it being in their power not
to have it.' So Mid. p. 538, καὶ
tαύτ' εἰς οἶκαν ἔδωκαν ἐπὶ δείπνουν,
οἱ μὴ βαδίζον ἐξὸν αὐτῷ.

§§ 13—18. Enumeration of the
many private inconveniences that
must result from two having the
same name. These are classed
under eight heads. (1) If, from
the questionable company this
half-brother of mine keeps, he
should be induced to bring an
action against some one, and
should get fined, failing in the
attempt, which of us is to be
registered as a debtor for non-
payment? (2) If the debt re-
mains still unpaid, why are his
children rather than mine to be
held liable? (3) In an action
for ejectment, why will it be his
name that is written in the ar-
chon's books rather than mine?
(4) The same may be said of
being a defaulter in the income
tax. (5) And of any action
brought, or any unpleasant re-
port circulated about 'Manti-
theus.' (6) Or if he should be
indicted for refusing to serve in
the army, and make some such
lame excuse for staying at home
13. Ἐλευ. ἀλλὰ ταύτα μὲν ἡ πόλις βλάπτεται: ἐγὼ δ' ἰδίᾳ τί; θεάσασθε ἡλίκα, καὶ σκοπεῖτε ἀν τι δοκῶ λέγειν: πολὺ γὰρ χαλεπῶτερα ταύτα ἰν ἀκηκόατ' ἔστιν. ὀράτε μὲν ἡρ ἀπαντεῖς αὐτόν χρώμενον, ἐως μὲν ἔξη, Μενεκλέει καὶ τοὺς περὶ ἐκείνον ἀνθρώποις, νῦν δ' ἐτέρους ἐκείνου βελτίωσιν οὐδὲν καὶ τὰ τοιαῦτα ἐξηλωκότα καὶ δεινὸν δοκεῖν εἶναι βουλόμενον καὶ νὴ Δία ἵσως ἐστίν. ἀν οὖν προίόντος τοῦ χρόνου τῶν αὐτῶν τι ποι-

as he actually did make of late. (7) Or if he be called upon to prove his claims to citizenship, which, from the circumstances of his adoption, is a contingency far from improbable. (8) Lastly, if he should be indicted for perjury, and not appear in court, it might be said that I was the culprit, as no one would see him convicted.

13. ἀλλά] At enim. ‘It will be said that in the above matters it is the state which is injured; what harm does it do to me individually?’ viz. that I should make it thus a personal matter, and subject myself to the charge of being quarrelsome and litigious (§ 1). C. R. Kennedy does not give quite the same sense: ‘Well: I have shown the damage which the state suffers. What is my own private damage?’ And Prof. Kennedy observes that ἀλλά νὴ Δία is more usual in the former sense.—ἡλίκα, sc. βλάπτομαι, ‘in how grave and serious matters.’

χρώμενον] Familiariter utentem.—Μενεκλεῖ, the man mentioned above as having convicted ‘poor Ninus.’ Perhaps we should read ἔωρατε.—ἐως ἔξη, during the lifetime of Menecles. —ἰσως ἐστιν, ‘I dare say he is’ clever in his own sense of the word, i.e. πανοργος. Plat. Theaet. p. 176 ν, τῷ οὖν ἄνθρωποι καὶ ἄνδρα λέγοντι ἤ πράτοντι μακρῷ ἀριστεῖ ἐξεῖ τῷ μὴ συγχωρεῖν δεινῷ ὑπὸ πανουργίας εἶναι. The words τὰ τοιαῦτα ἐξηλωκότα, ‘aspiring to the same fame as they attained,’ seem to show that successful oratory in unjust actions was the object of their ambition. Kennedy perceives this, and renders δεινὸν εἶναι βουλόμενον ‘he wishes to be thought an orator.’ The word is as commonly applied in irony to the πράτορες as to the σοφίσται. The meaning is, that the man may imitate his worthless companions and turn συκοφάντης against honest people, but fail some day to establish the prosecution, and be fined a thousand drachmas for not getting a fifth part of the votes. In private actions, (and also in φάσεις, which were public,) the ἐπωβελία (an obol for every drachma), and in public suits, a fine of 1000 drachmas, was imposed on the plaintiff if in either case he failed to get a fifth part of the votes. (Boeckh, P. E. pp. 346, 350, 363.) See Or. 56 § 4.
14. γραφαί] Public indictments of any sort.—φάσεις, presentations or prosecutions for importing or exporting or possessing contraband goods. The bringing of this action is called φαίνεται in Ar. Ach. 819, 908. So ενδεικνύει, εισαγγέλλει, are used for prosecuting by other special processes. Boeckh (Publ. Econ. p. 368, trans. Lewis) observes that "a peculiar circumstance occurred in the phasis, as being a public suit. In this form of proceeding it must be inferred from the circumstances of the case that the defendant, if he lost his cause, paid the fine, and also the epobelia, if he did not obtain the fifth part of the votes: the plaintiff indeed had no reason to apprehend the first payment, but if he was unsuccessful in his suit, he was in the same case compelled to pay the epobelia; and if he did not obtain the fifth part of the votes, i.e. in the very case in which he was subject to the epobelia, he was forced to pay to the state the usual fine of 1000 drachmas." [φάσεις, ενδείξεις, may be approximately rendered 'fiscal and criminal informations,' Prof. Kennedy.]

ενδείξεις] Actions for holding any office when a person was legally disqualified by being ἀτύμος, or a public debtor (Timoc. p. 707). Lex. Rhetor. Cant. ενδείξεις φάσεως διαφέρει. ὅτι τὴν μὲν ενδείξειν δύναται ἀνταληγέσθαι, οἷον, ἀνέδειξιν (I. ενδείξειν) 'Αριστοτείτονα Δημοσθένης, ὧτι λέγει ὃς φάσκων οὐκ ὀφείλει (quam. ὧτι λέγει, φάσκων οὐκ ὀφείλει, 'alleging that he has no right to speak in the assembly'), φάσις δὲ ἐστιν ὅταν φαίνεται ὅτι ἐχοντα τις μὴ πρῶτον (πρῶτον).—ἀπαγγέλει, 'arrests,' i.e. the carrying men off to the authorities at once as guilty of some offence. See Androt. (Or. 22) p. 601, ἔρρωσα, καὶ σαντι πιστεύεις ἀπαγ. ἐν χίλιαι δ ὁ κίνδυνος. Timoc. Or. 24 § 146, ὅσων ενδείξεις ἐστιν ἡ ἀπαγωγὴ. See Boeckh, P. E. p. 389.

[Pollux: ἐνδείξεις δὲ ἣν πρὸς τὸν ἄρχοντα ὁμολογομένου ἀδικήματος μὴν υπάρχει τῇ νυν ἀλλὰ τιμωρίας δεσμονίω...καὶ αὕτη μὲν γίνεται περὶ τῶν οὐ παρῶντων, ὡ δὲ ἀπαγωγή ὅταν τὸν ἐκ τῶν ἐν ἐννεῖξαι πολέμου, τουτοῦ παρῶντα ἐπὶ αὐτοφόρον λαβῶν ἀπαγαγη...μάλιστα δὲ τοὺς ὀφείλοντος πολεμίου ενεδείκνυσαν τοὺς κατόρθωται ὃποι μὴ ἐξέστων, ὡ τοὺς ἀνθροφόνους (vii 49). S.]

πλεονάζων] 'When they do not keep within due bounds,' He intimates that the dicasts are very knowing in discriminating mere συκοφαντία for private ends, and in discouraging them by imposing the fines for 'not-proved.'

ἐγγεγραμμένοι] Entered in
the register of debtors to the public treasury, as not having paid the fine. Cf. Or. 53 § 14, ἑγράφει τῷ δημοσίῳ ἐξαικοσίᾳ καὶ δἐκα δραχμάς.—οὕτι, κ.τ.λ., 'because, of course (it will be said) all will know which of us brothers was condemned to pay.' It will be a matter of notoriety which was the συκοφάντις, and which had to suffer the consequences.

15. χρόνος] 'If time should elapse (not 'if the time should expire') and the fine be not paid; why should his sons be entered as debtors rather than mine?' There seems a euphemism in χρόνος διέλθη. See Boeckh, p. 391.

δήλημα] Hesychius χρεωστήμα. The word is formed as if from ὀφλεὼ, a secondary present from the aorist ὀφλεῖν, like εἰδόσω from εἶδων, ἐνσπήσω, χραισιμήσω from ἐνσπεῖν, χραισμεῖν, τυχήσω from τυχεῖν (inf. § 25), παρασχήσω from παρασχέω. Photius (Lex, in v.) says the Attics wrote ὀφλεὼν, not ὀφλεῖν.

δίκην ἐξούλησ] An action to make him give up property which he refuses to cede in contempt of court. Actio rei judicatae, Boeckh, P. E. p. 377. The word ἐξούλησ, from ἐξειλεῖν, ἐξεῖλεν, ἐξῆλεν, properly meant 'the keeping of another out of his rights'; and the action of ἐξούλησ was brought against the person guilty of the act. So Demosthenes served Midias with this process when he refused to pay the fine for κακογορία, Mid. p. 540. As for the form of the word, the root θελ (ἐλευ, ἦλευν, pilus, wool, &c.) passed into oὖλος, used of crisp or closely compacted hair, by the influence of the θ. The forms οὖλος, οὐλεσθαί (Soph. Antig. 340), ὀλάδες (our willows perhaps), in II. xiii 572, ἐξίλευν, Or. 37 § 55, all point to the original idea of close packing or pressing together. From the form of the root with (dropped) sibilant instead of the θ, came silva, Sila, θή, probably θη from the dense growth. Compare Scaptesula for σκαπτή θή. In Or. 30, πῶς Ὄνητορα ἐξουλήσ, Onetor is prosecuted for refusing to cede the estates which the law had adjudged to Demosthenes. [Cf. K. F. Hermann, Privatalt. § 71, 13, p. 116 of Rechtsalt. ed. Thalheim; Buttmann's Lex. § 44, 10; and esp. G. Curtius, Gr. Etym. §§ 527 and 660. S.]

μηδὲν ἐμοὶ κ.τ.λ.] 'Should say that he had no claim against me, but, having got the writ duly signed (or registered by the Archon), should enter the name of Mantithens, why should he have his name written more than mine?' Kennedy translates 'suppose a man sues him in ejectment, not pretending to have
any claim against me, and afterwards, when he has established his right in the suit, enters the record of the judgment: why will the judgment be entered against Boeotus rather than me? The meaning of εἰδυπαί is somewhat uncertain, for we do not know all the circumstances of this peculiar action.

16. Ἀδεις δίκης κ.τ.λ. 'Any filing of a suit or, in a general way, any unpleasant report,' 'any scandal.'

δίκην ἀστρατείας 'An action for non-service,' i.e. for refusing to serve when a person's name is placed on the military kataλογος. [Aeschin. 1 § 29, τὰς στρατείας μὴ ἐσπρατευμένους. Dem. Or. 24 § 103, ἄν ἀστρατείας τις ὁρλῃ...τοῦτον δεδέσθαι. The Roman detrectatio militiae, Livy III 69. S.] This was but slightly different from either δείλας φεύγειν, Αρ. Αχ. 1129, or λιποστατίου, λιποταζίου, Mid. p. 548. In these latter cases there was generally actual desertion or running away from the ranks. [In Dem. 24 § 119, we have τοῖς ἀνδροφάνοις, τοῖς ἀστρατεύτοις, τοῖς λείπουσι τὰς τάξεις, and in Aeschin. 3 § 175, ὁ Σιλων ἐν τοῖς αὐτοῖς ἐπιτιμίως ψετὸ δεῖν ἐνέχεσθαι τὸν ἀστρατευ-

tov καὶ τὸν λελαυτότα τὴν τάξιν καὶ τὸν δείλον ὄμοιος. The 14th and 15th Orations of Lysias, in prosecution of the younger Alcibiades, are entitled λιποταζίου and ἀστρατείας respectively. Such prosecutions were instituted by the ten generals, or (perhaps, though the next section scarcely proves it) by the ταξιαρχοι, and were public indictments (γραφαί) and not private suits (δίκαι). The term δίκη must therefore be here used in its generic sense, and not in its more limited meaning. (See introd. to the above speeches of Lysias in Frohberger's Ausgewählte Reden des Lysias, and Meier and Schumann, Attischer Process p. 364.) S.]

eis Ταμύνας] A town in Euboea where the Athenians led by Phocion gained a victory over Callias tyrant of Chalcis, B.C. 350. In Mid. p. 550 and 558 mention is made of the slightly later expedition to Argusae in Euboea, and the cowardice of Midias in the matter, and his complicity with Plutarchus, tyrant of Eretria. [Demos-
thenes tried to dissuade the Athenians from undertaking the expedition, and was fully justi-
fied in so doing. Aeschines however fought bravely as a hoplite at Tamynae, and was sent to Athens to carry the first news of Phocion's victory. His rival was reproached by his enemies for having been absent from the battle, and at the instigation of Meidas he was threatened with an indictment for deserting his post (Or. 21 §103, ἐγραψάτο λιποτάξιον). The expedition seems to have taken place late in February, and in March we find Demosthenes chreogus at the Dionysia (when he was brutally insulted by Meidas); an engagement which may have enabled him to obtain leave of absence. (A. Schaefer, Dem. u. s. Zeit p 74—80, and Grote, H. G. chap. 88.)

παρῆλθον) 'Entered'; so ὅτε Ἀλέξανδρος παρῆσε ἐς Ὁδασιν, Or. 34, p. 918, and frequently δόμους παρελθεῖν in tragedy. The proper meaning is, 'to go past the door-keeper,' and so to get into a closed building. (See note on 34 § 38.) So παρεδέναι is 'to admit,' 'to allow to pass in,' Eur. Heracl. 153, Suppl. 468, Plat. Phaed. p. 90 e. [Pro-
ficiisci aqmne jacto, castra movere, to march, to advance from one place to another, Mitchell's ed. of Reiske's Indices. 'The other day when the rest of the troops appeared before (went on the campaign to) Tamynae.' Prof. Kennedy. Curtius H. G. v 269, 'when they came to Tamynae, they suddenly found themselves surrounded in a

gorge by the enemy.' Plut. Dem. 12, Aeschin. πι 86 ὂν στρατό-
pedon ἐς τινα δυσχωρίας κατα-
klemeinon. S.]

τοὺς χόας] 'He was left at home keeping the feast of the χόας' (the feast of flagons,' the second day of the Anthestria). [Harpp. Δημοσθένης ἐν τῷ περὶ τοῦ ὄνομα-
tος. ἐορτή τις ἦν παρ' Ἀθηναίοις ἀγομένη Ἀνθεστηρίαν (half of February and March) ὑδεκάτη.

φησὶ δὲ Ἀπολλόδωρος Ἀνθεστήρια μὲν καλείθαι κοινῶς τὴν ὀλην ἐορτὴν Διονύσῳ ἀγομένην, κατὰ μέρος δὲ Πιθαγία, Χόας, Χέτρους. S.]—ἐχόρευεν, 'he was serving in the chorus at the Dionysia.' (in March), which entitled him to exemption from service le-
gally, but it was often adopted by cowards as an excuse. Ken-
nedy neatly renders it, 'dancing as a chorister when he should be campaigniing.'

ἐ ὥρατε κ.τ.λ.] Dem. himself was chreogus at this festival. Cf. eis Ταμύνας n. S.]

λιποτάξιον] 'for desertion'; here applied to the offence com-
mited by one who, by staying in Athens, failed to take the place assigned him in the ranks of his regiment, Meier and Schö-
mann, p. 365, note 779, ed. Lip-
sius. See Wayte on Timocer. § 103. S.]

17. ταξιαρχῶν] Mantitheus, as taxarch, and having the duty of drawing up the military list (Ar. Pac. 1173), was subject to the odium of having his own name and his father's, Μαντίθεος Μαρτίου, made the subject of an
action in consequence of his brother's cowardice. But the taxiararchs are themselves accused of being runaways in action, φεύγειν πρῶτοι, Pac. 1177, so that perhaps the action here mentioned as a monstrous case was not wholly without precedent.

εἰ μισθὸς ἐπορίσθη] This shows that legal business was sometimes suspended from the poverty of the treasury. [This financial embarrassment was the result of the attempt to recover Euboea. Dem. (De Pace, § 5) describes it as a πόλεμος ἄδοξος καὶ δαπανηρός.—Each of the dicastrs received three obols a day, and each court consisted of at least 500 dicastrs, involving an expenditure of 250 drachmæ, or about £10 daily. S.]

18. τῶν ἐχίνων] The ἐχίνων were cases or vases for holding documents and affidavits, generally in connexion with appeals against arbitrations (Or. 48, p. 1108, τὰ ἀντιγραφα ἐμβαλέσθαι εἰς τὸν ἐχίνων). These were sealed up before the trial, and when sealed they were not allowed to be opened till the day of the trial. See Or. 54 § 27, and Or. 45 § 17, ἐχίνην αὐτὸ τὸ γραμματεῖον εἰς τὸν ἐχίνων ἐμβαλέων. In the present case, the event is described as immediately following the departure of the army from Euboea, and immediately preceding the trial; so that the date of the speech is determined within narrow limits.—μάρτυρας, perhaps μαρτυρίας, i.e. written evidence.

ξενίας] If he should be summoned or called on to prove his right to the citizenship. That is not an unlikely event, he adds, since he has many enemies, and the tale of his forced adoption is no secret.

οὕτω γεγονὼς] i.e. ἀστός. 'With his birth thus established,' Kennedy. 'You, the judges, then thought he was wronged, and listened to his mother who asserted his legitimacy; but now that you find him so troublesome as a citizen, you will begin to think the father was right in denying the paternity.' The inference left to be drawn is, that the father had good reasons for not wishing to acknowledge such a son.
"On the evidence that he does not give. The sense probably is, that an action of ψευδομαρτυρία is brought against him, and he dares not rebut it, but allows it to go against himself by not appearing in court.

§ 19. These fears are not merely imaginary, for he has actually been defendant in some public actions by which I have been compromised, though quite undeservedly on my part.

καὶ τῆς ἀρχῆς κ.τ.λ.] 'Nay, he even put in a claim against me for holding the office to which you had elected me.' He alludes perhaps to the office of Taxiarch, § 17. Or. 40 § 34. The genitive is used like ἐγκαλείν τινος, to lay claim to a thing.

20. συμβαίνοντα] 'What actually does occur,' or 'is every day occurring.'
The antithesis between the reluctant and the voluntary act is rather forced; but antithesis was the soul of ῥητορική.

In keeping the tenth day after the birth,' when the child was named. He shows that the name Mantitheus was conferred on him even before the enrolment into the phratries. [Or. 40 § 28, Arist.

The name Mantitheus therefore is mine only; Boeotus properly belongs to the other. That name was given by his father, who is now deceased, and whose will and pleasure in the matter ought to be respected. Had the father lived, he certainly would have made the second and later entry by the same name, Boeotus. It is unreasonable to compel a father to adopt you, and then, after his decease, to undo the very acts of his which resulted from the adoption.—ἐπὶ, 'in possession of this name.'
§§ 21—23

Boeotus told the arbitrator that his father had named him Mantithetus in his infancy, and he tried to prove this by the evidence of some who could have known nothing about it. But first, the father did not think the boy was his son, and so did not give him the name; and secondly, if he had, he would hardly have altered it afterwards to Boeotus, even if he had a quarrel with the mother. Moreover, he used to go to school in a different tribe from myself, which he would not have done if his mother had thought herself wronged, as he pretends she did, by the father not acknowledging Boeotus as his son.

Construe with δεκάτην. Hesych. δεκάτην θύμεν. τῆς δεκάτης ἡμέρα τὰ ὄνομα τοῖς βρέφεσιν ἑπτήσαν ὁ δὲ Ἀριστοτέλης τῇ ἑβδόμῃ φησί. Of course, the inference is, that if he kept the tenth day after the birth, it was because he acknowledged the child.
τυράς τινας παρείχετο, οἷς ἐκείνος οὐδεπώτοπτε ὑφῆν χρώμενος. ἐγώ δὲ οὐδένα ύμῶν ἀγνοεῖν οἴμαι ὅτι οὔτ' ἂν ἐποίησε δεκάτην οὐδείς παιδίον μὴ νομίζων αὐτοῦ δικαίως εἶναι, οὔτε ποιήσας καὶ στέρξας, ὡς ἂν νῦν τις στέρξαι, πάλιν ἔξαρνος ἐτούλμησε γενέσθαι. οὐδὲ 23 γὰρ εἰ τῇ μητρὶ πρὸς ὀργὴν ἥλθε τῇ τούτων, τούτων ἂν ἐμίσει, νομίζων αὐτοῦ εἶναι πολύ γὰρ μᾶλλον εἰσθανιν, ὡς ἂν ἐαυτοῦς διενεχθῶσιν ἀνήρ καὶ γυνη, διὰ τοῦ παιδὸς καταλλάττεσθαι εἰ δ' αὐτὸν δ' ἄν ἀν ἀδικηθῶσιν υφ' αὐτών, τοὺς κοινοὺς παιδὰς πρὸς μισεῖν. οὐ τοῖνυν ἐκ τούτων ἐστὶν ἰδεῖν μόνον ὅτι ψεύστηκα, ταῦτ' ἂν λέγῃ, ἀλλὰ πρὶν ἡμέτερος φάσκειν συγγενὴς εἶναι, εἰς Ἰπποθωντὶδα ἐφοίτα φυλὴν εἰς παῖδας χορεύσων

οἷς ἐκείνος κ.τ.λ.] Or. 40 § 28, οὐτὸς γε εἰς τὸ τὸ πατέρα μοι δεκατήν υπὲρ αὐτοῦ ἐπισάζαι καὶ περὶ τούτου μόνον Ἱμικράτους καὶ Προ-μάχου ἐμβεβληταί μαρτυρίας, οὔ οὔτε γένει προσήκοις μοι τῷ πατρὶ ὑπερ' αὐτοῦ, οὔτε φίλου ἡσαν ἐκείνω.

χρώμενος] Familiariter utens. —μὴ νομίζων, nisi putasset. — δικαίως, fairly and honestly, without fraud or collusion.

ἔξαρνος] i.e. so that an action became necessary to compel him to recognise the child.

23. πρὸς ὀργὴν ἥλθε] The tragic phrase is ἔλθειν δ' ὀργῆς, δ' ἔχθρας, &c. The argument here is in answer to the allegation that Boeotus was repudiated by the father in spite to the mother.

τολύ γὰρ κ.τ.λ.] 'For it is far more common with man and wife, in any differences that they may have had with each other, to be reconciled for the sake of their children, than through any wrongs they may have suffered from each other, to dislike their common offspring besides.' This passage is repeated almost verbatim, in Or. 40 § 29.—διὰ τῶν παιδῶν must be carefully distinguished from διὰ τῶν παιδῶν, 'through the agency (or medium) of their children.' —ὁν ἂν, sc. ἐκείνων (or τῶν) ἄ, &c. The genitive depends on the sense of καταλλάττεσθαι, as Soph. Aj. 744, θεοίων ὡς καταλλαχθῆ χόλου.

πρὸς μισεῖν] πρὸς, i.e. in addition to disliking each other, to hate their common children into the bargain. See note on Or. 37 § 49.
24 καὶ τοις ἂν ὑμῶν οἴεται τὴν μητέρα πέμψαι τοῦτον εἰς ταῦτην τὴν φυλὴν δεινᾶ μὲν, ὡς φησὶν, ὑπὸ τοῦ πατρὸς πεπονθῆαν, δεκάτην δὲ εἰδῶν πεπονθῆσα ἐκεῖνον καὶ πάλιν ἔξαρνον ὄντα; ἑγὼ μὲν ὠνδέν ἄν οἶμαι. εἰς γὰρ τὴν Ἀκαμαντίδα ὁμοίως ἐξῆν σοι φω-τᾶν, καὶ ἐφαίνετ' ἄν οὐδ' ἀκόλουθος ἡ φυλὴ τῇ θέσει τοῦ ὄνόματος. ὅς τοῖνυν ταῦτ' ἀληθὴ λέγω, τοῦτον μάρτυρας ὑμῖν τοὺς συμφοινώντας καὶ τοὺς εἰδότας παρέξομαι.

ΜΑΡΤΤΡΕΣ. 1002

25 Οὔτω τοίνυν φανερῶς παρὰ τὸν τῆς αὐτοῦ μη-τρὸς ὁρκον καὶ τὴν τοῦ δόντος ἐκεῖνη τὸν ὁρκον εὐ-

24. τὰς ἂν κ.τ.λ. | The ἂν, which belongs to πέμψαι = ἐπεμ-ψεν ἂν, undergoes the same hy-
perbaton as in ὁκ ἂν οἶμαι γενέσθαι, &c. The argument is, that by sending Boeotus to learn dancing in another tribe than that to which Mantias belonged, viz. her own tribe, she virtually admitted that he was not Man-
tias' son, and that Mantias had not owned him. Boeckh, Publ. Ec. p. 121, observes, "The tribes at Athens were bound to provide for a part of the instruction in music and gymnastic exercises, and they had their own teachers, by whom the youth of the whole tribe were instructed; in the other schools each person paid, but how much we are not in-
formed." This inference seems a little far-fetched. Nothing more is said, than that the mother sent the boy to learn dancing to a school of her own tribe; which was very natural, if the boy was, as Mantitheus intimates, not believed by the mother herself to be Mantias' child. The argument seems worth little, anyhow, as a ground for logical inference of parentage.

ἀκόλουθος] 'Consistent with' (or possibly, 'consequent on') the (pretended) giving of the name Mantitheus by your father. — φωτὰν and συμφοινηταί are the common terms for 'going to school' and 'school-fellows.'

§§ 25, 6. Not content with his success in getting himself en-
rolled as a citizen, Boeotus has brought against me sundry claims for money due from his father, i.e. as co-heir. But, if the tale of the mother was true, that Mantias kept her, and maintain-
ed two establishments, he could not have left much money, not being a man remarkable for his successes in trading.

οὔτω φανερῶς κ.τ.λ.] 'Hav-
ing thus clearly as I have shown found a father through the oath which his mother took, and the simple credulity of him who tendered it to her, and so having been (registered as) born in the tribe Acamantis instead of the tribe Hippothontis, the defend-
ant Boeotus is not content with this, but has also brought against me two or three suits for money, besides those which he formerly trumped up against me."—τε-τυχηκός, an Ionic and Homeric form, as if from τυχέω, a secondary present from the aorist τυχεῖν (see on § 15), retained its place even in the later Attic. But the regular Attic future is τετεχόμαι, e.g. Or. 37, fin., εἰ μὴ τῶν δίκαιων ἐγὼ παρ' ὑμῖν τετεχόμαι. τετευχώ occurs in Mid. § 150.—γεγονός, cf. sup. § 18, ἐπειδῶν οὕτω γεγονός οὕτως ὀχλη-ρός ἦ.

πρὸς αἷς] i.e. πρὸς ἐκείνας ἂς, where ἂς is a cognate accusative after ἐσυκοφάντες. The actions alluded to are apparently those described in Or. 40 §§ 16, 17, for the mother's dowry, and other claims.

26. τίς χρηματιστής] sc. ποῖος, 'what sort of money-maker,' i.e. ὃς φαίλοις. [For τίς used as ποῖος, Shilleto, on Fals. Leg. § 15, quotes the present passage (translating it, 'what sort of an economist') and Or. 37, Pant. § 69, λέγε ὧν μακ τὰς μαρτυριάς, τίς ἐγὼ...ἀνθρωπός εἰμι, followed by τοιοῦτος...ἐγώ.—For Mantias' character as an indifferent man of business cf. n. on ὑπό-θεσις, l. 1. S.]

ἐπ' αὐτοφόρῳ] sc. ὡντα συκο-φάντην. 'It thereby proves him to be ipso facto (as we say) dishonest in bringing these actions,' viz. since no money could have been due to him from the father, sc. έάν τι οὕτω τῶν πατρών ἐπι-ζητῶσι, Or. 40 § 15.

δο' ὀικίας] A wife seems only to have insisted on the mistress living apart. Hence Deianira's grievance in Soph. Trach. 376, τίνι εἰσδέδεσα μητὶς ὑπὸ στέ-γον λαβραίον; and ibid. 557, κόρην γάρ—παρεισδέδεσμα φάρ-τον ὡτε ναυτίλος.—τοιοῦτος ὡν, i.e. οὕτω δαπανηρός.

§§ 27, 8. Having no sound excuse to allege for his conduct, Boeotus will pretend that the name (meaning 'bumpkin') was
given him by his father at my instigation on purpose to insult him. He says he is the elder, and has a claim to his grandfather's name. Why, I myself remember him a mere lad when I was grown up. And if one asked him what his name ought to have been at the time when he claimed the right of being sent to school in my tribe, he could not have been sent to the tribe Acamantis at all.

The genitive appears to depend on aumia:bi:eta with reference to the next clause, 'you did not think you had any right to put in a claim to my tribe.' The argument is this: Boeotus, by the very fact of his going contentedly to school in a different tribe from mine, proves that he could not then have been called Mantitheus because he was my
πάππος τού ἐμοῦ ἡμιφιοσβήτεις; ἐτι δ', ὃ ἀνδρεὶς Ἀθη-29
ναίοι, τὸν μὲν τῶν ἐτῶν ἀριθμὸν οὐδεὶς οἴδεν ὕμων
ἐγὼ μὲν γὰρ ἐμοὶ πλείονα, οὗτος δ' ἐαυτῷ φήσει τὸν
δὲ τοῦ δικαίου λόγον ἀπαντεῖ ἐπίστασθε. ἐστὶ δ' οὕ-
τος τίς; ἀφ' οὗ παιδᾶς ἐποίησατο τοῦτοις ὁ πατήρ, ἀπὸ
tούτου καὶ νομίζεσθαι. πρότερον τοῖς ἐμὲ εἰς τοὺς
dημοτας ἐνέγραψε Μαντῖθεον, πρὶν εἰσαγαγεῖν τούτουν
eἰς τοὺς φράτερας. ὡστ' οὐ τῷ χρόνῳ μόνον, ἄλλα καὶ
tῷ δικαίῳ πρεσβείον ἕχοιμ' ἀν ἐγὼ τοῦνομα τοῦτ' εἰκό-
tως. εἰεν. εἰ δὲ τίς σ' ἔροιτο "εἰπέ μοι, Βοιωτε, πόθεν 30
νῦν 'Ἀκαμαντίδος φυλῆς γέγονας καὶ τῶν δήμων Ἑθο-
kios καὶ νῖδος Μαντίου, καὶ τὸ μέρος τῶν ὑπ' ἐκεῖνον
καταλειφθέντων ἔχεις," οὐδὲν ἂν ἄλλ' ἔχοις εἰπεῖν
πλὴν ὅτι κάμε ᾧ ἐποίησατο Μαντίας. τί τεκμήριον,
eἰ τίς σε ἔροιτο, ἢ μαρτύριον ἐστὶ σοι τούτου; εἰς τοὺς
φράτερας με εἰσήγαγε, φήσεις ἂν. τί οὖν σε ἐνέγρα-

1 ἡμιφιοσβήτεις Z.
2 τῶν δήμων Bekk. 1824.

senior; for if he had claimed
the name on that ground, he
would have claimed my tribe
too.

§ 29. As mere assertion on
either side will not prove our
respective ages, it will be the
fairest way to reckon from the
date of the adoption. Now it
can be shown that I had been
registered in the state-books
(after the δοκμασία), and that
by the name Mantitheus, before
he had been entered even in the
phratries. So that by the mere
right of prior entry (τῷ δικαίῳ)
I should reasonably claim the
name of Mantitheus on the ground
of seniority.

νομίζεσθαι] vīz. παῖδας αὐτοῦ.

We will say nothing about the
dekath, but argue only on the
dates of our registration.'

πρεσβείον] The prerogative
of primogeniture. Or. 36 § 35,
πρεσβεία τὴν συνοκίαν ἔλαβε κατὰ
diaθήκην.

§§ 30, 31. Boeotus claims citi-
zenship and a share of the pro-
erty by virtue of his registration.
But he was registered by the name
Boeotus; and it would be ungrate-
ful in him to disown the name
now which conferred such privi-
leges on him.

φυλῆς γέγονας] As sup. § 25,
ἐν 'Ἀκαμαντίδος φυλῆ γέγονας.—
tῶν δήμων, lit. 'Of the demi, a
member of that called Thoricus.'
[tῶν δήμων, the reading of Σ, is
supported against τῶν δήμων by
Plato, Euthyphro 2 b, τῶν δή-
mwν Πιθέου. S.]
§ 31. If your father were to come to life, he might fairly ask you either to retain the name he gave you, or to give up the claim you made to be his son. My request is similar; keep the name he gave you, or, if you must be Mantitheus, which is my name, don't sign yourself Mantíthes or Mantione.

άφεις] Omissio hoc nomine.—μεταθέσθαι, ἀλλὰ ὄνομα ἐπιθέσθαι.

ἀναστάς] If he were now to rise up, as if conjured by magic art. So Plato, Theaet. p. 171 ν, εἰ αὐτικα ἐντεύθεν ἀνακύψει μέχρι τοῦ ἀυχένος, sc. Πρωταγόρας. That this is the meaning seems probable from an engraving on an antique gem, representing a head rising up out of the floor, and a person standing by with a magic wand.—ἐφ' οὖ, the cognate accusative is implied, 'to remain in possession of the name by which he adopted you.'

παραγάραφεν] 'To sign yourself.' Kennedy. This seems the technical word in this sense; cf. § 9. [Rather, 'to add to your name (or signature) that of another father.' S.] The middle voice, of course, has quite a different meaning, 'to put in a special plea.'

§§ 32, 3. The name Boeotus, we shall be told, was given in insult. Why, this man and his brother used to boast of their good family; and, in fact, Boeotus is the name of his uncle by his mother's side. It was because I had forestalled the name Mantitheus that the other name was given to him, and without the least intention of putting a slight upon him. You compel us to say that you deserved the name you so dislike, by your own insulting and boorish treatment of your father's memory and intentions.
επεί σὺ δείξῃν ἑκείνῳ τὴν ἀναγκάσαι, εἰς ὅπου δ’ ἀρέσεις ἐκείνῳ τρόπον μὴ σκοπεῖν, οὐκ ἦσθα οἷον ἓν τὸν προσήκοντα εἶναι περὶ τοὺς γονέας, οὐκ ὃν δὲ οὐκ ἐπηρεάζων δικαίως ἄν, ἀλλ’ ἀπολούλησι. 33 ἕσθα ὥστε ποιήσασθαι μὲν σαυτὸν ἀναγκάσαι, εἰς ὅπου δ’ ἀρέσεις ἐκείνῳ τρόπον μὴ σκοπεῖν, οὐκ ἦσθα οἷον ἓν τὸν προσήκοντα εἶναι περὶ τοὺς γονέας, οὐκ ὃν δὲ οὐκ ἐπηρεάζων δικαίως ἄν, ἀλλ’ ἀπολούλησι. ἓν δὲνόν γ’ ἄν εἰη, εἰ κατὰ μὲν τῶν ὑπὸ τοῦ πατρὸς αὐτοῦ νομιμομένων παῖδων οἱ περὶ τῶν γονέων ἵσχύσασθι νόμοι, κατὰ δὲ τῶν αὐτοῦ εἰσβιαζομένων ἀκούτας ποιεῖσθαι ἀκυροὶ γενήσονται.

9 ἀπολούλησι Ζ.

This is a common use, answering to our phrase 'the late so and so;' but it is apt to be overlooked. Properly, 'the man there,' ἐκεί, viz. in the other world, opposed to οὗτος, 'here before us.'

οἷον κ.τ.λ.] Construe οἷον δὲν εἶναι περὶ τ. γ., as a man is said to be δικαίος περὶ τόλμων, &c.

νόμοι] The laws of Draco seem to have been still in force, though perhaps in abeyance. Like the Jews, the patriarchal traditions of the Greeks induced them to hold the dignity and authority of a parent in a very sacred light. See Aesch. Suppl. 708, τὸ γάρ τεκόντων σέβας, τρίτον τόδε ἐν θεσμοῖς δίκαι γέγραπται μεγιστοτίμων. In Ar. Vesp. 377, μὴ πατεῖν τὰ ταῖν θεαν ψήφισμα, refers to this, but ψήφισμα stands for some other word like μυστήρια.

eἰσβιαζομένων] This is used for ἀναγκάζοντων rather with reference to an alien forcing himself upon the state, like the ora-
tor in Eur. Orest. 904, who is called, probably in reference to the demagogue Cleophon, 'Aρ-
γείος, οὐκ 'Αργείος, ἴππακασμένος,
and of μὲν γάρ οὐκ ὃν ἀστὸς ἑσ-
βιάζεται, Αρ. Αv. 32. ['Those
who force their parents to adopt
them against their will.' Prof.
Kennedy.]
§ 34. Do therefore, most trou-
blesome Churl (as you tell us
your name means), do stop and
give neither yourself nor me any
further trouble. If you want
to be thought my brother in
reality and not merely in name,
act like a brother. Otherwise,
people will think you have got
possession of property that you
had no real claim to.

'Αλλ', ὃ χαλεπώτατε Βοιωτὲ,
Hermogenes peri ιδεών, 1 11
p. 325 Spengel: οὕτε τραχύτητι
οὕτε σεμφόρτητι οὕτε λαμπρότητι
οὕτε ἀκήροστοι οὐ τὶς ἀκριβῶς ἐν
ἰδιωτικοῖς σφοδρότητι μέντοι ἐστὶ
ὁποίος καὶ ταύτη μετὰ ἥθους
tύνοι, ὡς ἐν τῷ, 'Αλλ', ὃ χαλεπώ-
tατε Βοιωτὲ, δύναται χρήσαται. S.]
οὐκον έγώγε] 'Nor do I,'
Kennedy. Here, as frequently,
the γε gives its emphasis to the
οὐ, and so the formula means
οἷς έγώ γων, 'at all events not
I.' So Soph. Oed. Col. 924,
οὐκον έγώγε, σής έπεμβαλων
χθωνός, οὖθ εἶ τὰ πάντων έξοχον
ἐνδικώτατα, οὖθ' εἶλκον οὖτ' ἄν
ηγον.

ἐπιβουλεύης κ.τ.λ.] 'If you
go on plotting thus,' &c. So
κλάθ καὶ δθηρται inf.—ὡς οὐ
προσήκοναι, i.e. as not properly
your own,—as not belonging to
you. There may have been a
saying, that money badly ac-
quired was generally badly spent
[cf. Cic. Phil. π 65 'male parta
male dilabuntur']. At all events,
a bad use of property was
thought to be a proof that it
was not rightly obtained. Cf.
Or. 21 (in Mid.) 150 το τῆς ϕόσεως
βαρβαρον ἀλήθως καὶ θεοῖς ἑχορὸν
ἐλκει καὶ βιάζεται, καὶ φανερὸν
ποιεὶ τοῖς παροῦν ῥατερ ἀλλο-
τρεῖσιν, ὃπερ έστιν, αὐτῶν χρώμενων.
§§ 35, 6. It was not I who
did you wrong, since I followed
my father's wish in the matter
throughout. That I did so, is
proved by the privileges you
possess; neither I nor any one
else wants to take them from you.
You can retain them, nay, you
can go to law with me, if you
please, by the name Boeotus. In
fact, it is your own interest to be
called by that name; for you
would not like to have it said,
by way of distinction, that you are the Mamtitheus who forced his father to adopt him.

ei ὅμως] ‘If ever so much,’ i.e. if it is ever so true that your father declined to acknowledge you though you were his son.

οὐ γάρ] i.e. I might have wronged you if his recognition of you had depended on me.

ἱερῶν, ὄσιων] Religious privileges as well as those of the state (secular or political). The first depended on the enrolment into the phratriae, the latter on that into the γραμματείων ληφθαι. So Timoc. p. 703, § 9, τῶν ἱερῶν μὲν χρηματῶν τοὺς θεοὺς, τῶν ὃσιῶν δὲ τὴν πόλιν ἀποστειρεῖ. Thuc. ii 52, ἐσ ὀλοκληρωμένον ἐτράποντο καὶ ἱερῶν καὶ ὃσιῶν ὑμών.

ἕ μὲν ἄν λέγη] ‘Whatever he may say, don’t believe him.’ Our idiom perhaps is, ‘don’t believe what he says,’ though the phrases are not really identical. He means, τοῖς μὲν λεγομένοις μὴ πιστεύεις, ἐκείνο δὲ, ἢ, μὴ πείρ τούτων ὄντως, ‘situidem hac de re nunc non disputatur.’ (See Shilleto, not. crit. on Thuc. i 118 § 2.)—ὑπολαμβάνετε,给他们这个回答; that he can get satisfaction just as well by the name Boeotus.’

σὲ, ἐπεὶ καὶ νῦν, ἵνα μηδὲ τοῦτο λάθη σε, ὑπὲρ σοῦ λέγω μᾶλλον, ἀξιῶν μὴ ταύτιν ἔχειν ὄνομα ἰμάς, ἢ ἐμαυτοῦ. εἰ γὰρ μηδὲν ἄλλο, ἀνάγκη τὸν ἀκοῦσαντα ἐρέσθαι πότερος, δι' ἂν ὂς Μαντίθεοι Μαντίου. οὐκ-οὖν, ὃν ἴμαγκάσθη ποιήσασθαι, σὲ ἂν λέγῃ, ἐρεί. τί οὖν ἐπιθυμεῖς τούτων; ἀνάγνωθι δὲ μοι λαβῶν δύο ταυταί μαρτυρίας, ὡς ἐμοὶ Μαντίθεον καὶ τούτῳ Βοιωτῶν ὁ πατὴρ ὄνομ᾿ ἐθέτο.

ΜΑΡΙΤΡΙΑΙ.

37 Λοιπὸν ἡγούμαι τοῦθ᾽ ἕμιν ἐπιδείξαι, ὥς ἄνδρες Ἀθηναίοι, ὡς οὐ μόνον εὐορκήσετε, ἀν ᾧ ἐγὼ λέγω ὕποσησθε, ἄλλα καὶ ἄς οὕτος αὐτὸς αὐτοῦ κατέγνω Βοιωτῶν, ἄλλ' οὐ Μαντίθεων ὄνομα δικαίως ἂν ἔχειν. Ι.Ο.Θ. λαχόντος γὰρ ἐμοὶ τὴν δίκην ταύτην Βοιωτῶ Μαντίου Θορικῆς, ἐξ ἀρχῆς τ' ἱπτιδίκει καὶ ὑπώμυντο ὡς ὅν

x Bekker. λέγων μ. ἀξιῶ Ζ. λέγεων μ. ἀξιῶ ΦΣΦ. y ἢ ἐμαυτοῦ Bekk. 1824 cum marg. Σ. om. Ζ cum Σ. z ἂν Ζ. a δικασταῖ Bekk. 1824. b ἱπτιδίκει Ζ.

tοῦτων] Such inconveniences and causes of reproach as I have described.

§§ 37, 8. One proof that he considered his name to be really Boeotus and not Mantitheus is, that under the former name he both accepted the action I brought, and moved for a rule for a new trial against the decision of the arbitrators.

[§ 39 is closely connected with § 36, and the two intervening sections must have been inserted after the arbitration, shortly before the trial. Blass Att. Ber. iii 417. S.]

ā ἐγὼ λέγω] ‘What I say,’ i.e. rather than what he says. So Plato, Theaet. p. 161 b, σὺ κάλλιον, ὧν ὁμαρτήσας, λέγεις. This explains the important texts S. Matth. 27. 11, S. John 18. 34. κατέγνω] Lit. ‘gave a verdict against himself to the effect that he would rightly have the name Boeotus and not Mantitheus.’ ἱπτιδίκει καὶ ὑπώμυντο] ‘He at once accepted service of the suit, and put in an oath that he was unable to attend.’ The ὑπώμυσία is here spoken of as one of the many evasions adopted by those who endeavoured to thwart justice. From Ar. Plut. 725, it is clear that it was occasionally put in as an aegrotat, a certificate of ill-health. Compare Mid. p. 541, § 84. Or. 48 § 25.
He let the arbitrators give judgment against him by default (compare Mid. ut sup.), and then moved for a new trial under the name of Boeotus. The phrase ἀντιλαγχάνειν τήν μὴ οὕσαν means to obtain a new trial of the reference (Kennedy, Appen. x, p. 398), i.e. to set aside a verdict on the ground that it is wrong, and therefore that the trial is null and void, non-existent, as it were. Mid. p. 543 § 90, ἀλλά τήν μὴ οὕσαν ἀντιλαγχεῖν αὐτῷ ἔχεις δῆσσον. [Pollux: οὕσαν τις παρὰ διαιτηταῖς παραγраφάμενος καὶ ὑπομοσαμεῖν νόσον ἡ ἀπόθεμα, εἰς τὴν κυρίαν μὴ ἀπαινήσας ἐρήμην δόλην, ἔχεις ἐντὸς δέκα ἡμερῶν τήν μὴ οὕσαν ἀντιλαγχεῖν, καὶ ἡ ἐρήμη ἐξεταστε ἐς ἐς ἀρχῆς ἐλθεῖν ἐς διαιτητήν (viii 60). (Hudtwalcker über die Diaceteten, p. 99 ff.) S.]

§ 38. προσαγορεύσας] See note on Isocr. Paneg. § 25, προσεπέειν. S.]
properly vote for him; but if
the law gives fathers the fullest
power over both the name and
the property of sons, and if
Mantias did legally call me by
one name and him by another,
how can you, if you act by the
law, refuse my request?

εξελείψας] To erase it from
the list of citizens. So Cleon
is said in making a certain speaker
άτιμος, τον Γρώττον εξελείψας,
Ar. Equit. 877. So also Or.
37 § 34.—ἀποκηρύξαι, ἀπεπτεῖν,
to disclaim or disinherit him.
The absolute power of the
father over the status of the
son was the same in both the
Attic and the Roman law.

[ʼΕν τούτῳ προβάλλεται,ʼ
ἀποκηρύσσεισιν signifies ito total-
ly the proclamation par la
voix du héraut. Les lexic-
ographes donnent encore à ce
mot un autre sens, celui de la
répudiation du fils par le père.
Mais voyez à ce sujet les judici-
cieuses observations de Van den
Es, de iure familiarum apud
Athenienses, p. 125—135.] Da-
reste.]

§§ 40, 1. In default of the
express command of the law,
you are bound (i.e. by the terms
of your oath) to vote as you
think most just; so that even on
this ground you ought to vote
for me. No father ever does or ever
will give the same name to two
sons, so that what you think is
right for your own children you
ought to think is right also for
me.

ων ἂν μηδὲ ωσι νόμοιν] The oath
of the heliasts in Timoer. (Or.
24) p. 746 commences with
ψηφιωμαι κατὰ τοὺς νόμους.
[Pollux vii 122, ὡδʼ ἀρχῆς ἦν τῶν
dικαστῶν περὶ μὲν ὃν νόμοι εἰσι,
ψηφιωμαι κατὰ τοὺς νόμους,
περὶ δὲ ὃν μὴ εἰσὶ, γνώμη τῇ
dικαιοτατῇ. S.]

πρὸς ἐμοῖ] 'On my side,'
virtually the same as πρὸ ἐμοῖ.
So Soph. Trach. 150, ἢτοι πρὸς
ἀνδρὸς ἢ τέκνων φοβουμένη,
τέθειται] In the usual medial
sense. Cf. υπόθεσει l. 28 n.—
ἡμῖν κ.τ.λ. 'cui nondum sint
liberi.'
θήσεται; οὖν δὲ δίκαιον τῇ γνώμῃ 41
toῖς ύμετέροις αυτῶν παισίν ύπειλήφατε, τούτῳ καὶ
περὶ ἡμῶν εὑσεβές γνώναι. ὡστε καὶ κατὰ τὴν δικαίο-
tάτην γνώμην καὶ κατὰ τοὺς νόμους καὶ κατὰ τοὺς
όρκους καὶ κατὰ τὴν τούτου προσομολογίαν ἐγὼ μὲν
μέτρια ύμῶν, ὁ άνδρες 'Αθηναῖοι, δέομαι καὶ δίκαιαι
ἀξιῶ, οὕτω δ' οὐ μόνον οὐ μέτρια, ἀλλ' οὕδ' εἰσθήσατα
γίγνεσθαι.

ο—θήσεται in margine a correctore additum habet Σ, om. Ζ.

41. εὑσεβές] 'Your duty in accordance with your oath.' For
this technical sense, see the
656, 1309 (P.);
τὴν τούτου προσομολογίαν] The admission he made, by
accepting the action, § 37.

The grounds for a verdict of the
dicasts in his favour are briefly
summed up again; the law, their
sense of right, their oath to de-
cide by that sense, and the de-
fendant's own admission that
Boeotus was and is his name.
The parties in this suit are the same as in the preceding. The action now brought against the defendant is for a sum of money claimed out of the general property as due exclusively to Mantitheus, viz. a talent as the dower of his mother, to which he had a legal claim (§ 59). The dispute seems to have been an old one; for in §§ 3 and 18 the plaintiff says that after a lapse of eleven years he has come into court, all attempts to settle the matter by arbitration having failed. The claim was evidently first made by Mantitheus soon after his father's death. He had recognised his two half-brothers as co-heirs, and was willing to let them take a third share each, though perhaps he was not legally bound to do this. But he asserted his right to the talent over and above his own third part. Upon this Boeotus makes a counter-claim to

1 In Or. 39 § 6, he says, συγγενεσίων ημών τό τρίτον νείμαται μέρος, as if it were a voluntary concession on his part. But in § 13 of the present speech he says he acknowledged Boeotus and Pamphilus in obedience to the law, though they were not his brothers. From which we may infer, not, as Kennedy thinks, that Mantias must have married Plango after the death of his first wife, but that the adoption by the father entitled them to a share in the property. Indeed, this is virtually asserted in Or. 39 §§ 6, 20, 30. It appears likely that this would carry with it a legal claim (§ 59) to Plango's property under the title of προϊκα, or dowry.
the same sum, τὴν ἑσπερὸν τροῖκα, due to himself from his mother Plango (§ 14), and, as it seems, to some further property due from his father (§ 15). He thought, no doubt, that his brother would decline to risk an action for a still larger demand than that which he had himself made, and which might go against him; and in default of direct evidence, he trusted probably to vague, indirect, and purposely misleading inferences (παραγωγαί, § 21), to establish the allegation that Plango had a fortune. This, however, is denied and disproved by counter-testimony by Mantitheus.

For the time being, the dispute seems to have been settled by the division of the bulk of Mantias’ personal property, reserving only the slaves and the family house (οἰκία), the former for the sake of evidence on either side, the latter for payment of the claims, whichever side should prove to have a right to them.

This agreement being made, the cross-suits appear to have at once commenced. Each claimed his mother’s dower out of the residuary property. The case was referred to an arbitrator Solon (§ 16), who however died before the decision could be given, in consequence of the delays and evasions of Boeotus. The latter then brings a fresh action against Mantitheus, and Mantitheus renews his old claim against Boeotus, and by that name. There are grounds for believing the man had established his right to the name of Mantitheus: anyhow, when the case went against him as Boeotus, he denied that this was his name and took no notice whatever of the decision (§§ 17, 18). Consequently, the real Mantitheus is compelled to sue him again in the eleventh year, in the court. Boeotus, it would seem, had changed his claim for Plango’s

In § 20 it is said that Plango’s dower was more than 100 minae. (See the note on § 14.)

P. S. D. 12
dower to a demand for some other property, which is not specified; but his motive was the same, to cancel one demand by another, and he probably made that demand which he thought he could best establish on the slaves' evidence.

That Boeotus had played the bully for a long time, and made many vexatious claims on his brother, is clear from the evidence adduced. He had behaved so badly, in fact, that Mantitheus had been compelled to leave his own home. Many instances are given in which the old quarrel about the name had led to most disagreeable results and misunderstandings. In truth, throughout both the speeches the animus manifested on both sides is as bad as possible. In § 57 the plaintiff intimates that he had fears of being poisoned if he had continued to live in the same house. And he even takes pains to show that he did not believe the defendants were his father's sons at all. He regards the whole affair of the forced adoption as a scandalous fraud.

In one part of the present speech (§§ 8—12) the orator repeats, with some slight addition to the details, the subject of the preceding action about the name. The argument against the present claim of Boeotus turns (§§ 20—24) on the improbability of his mother's father, who died a debtor to the state, having left any money over and above, that could have come to Mantias after the confiscation of the property. On the other hand, it is shown

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1 § 17, οὗ νῦν πέρι ἐκείνων εἰπεῖχέ μοι δίκην οὐδεμιάν, ἀλλὰ πέρι ἀλλων τινῶν. There is some obscurity on this point which is not fully cleared up in the course of the speech. Perhaps the arbitrators' decision in favour of Mantitheus had released him from the payment of Plango's dower; and so it was thought unsafe to make precisely the same demand in a new action. From § 3, ἐνεκα τῆς δίκης ταύτης, it appears likely that some other claims were trumped up for the sake of furnishing the matter of a cross-suit.
(§§ 24, 25) that Mantitheus' mother was a lady of property, the daughter of Polyaratus, and sister of the wife of Chabrias. Her first husband was a son of Cleon (§ 25), and it is argued that such a man was not likely to have married a penniless wife. Her brothers too were men of wealth and honour who were not likely to have seen their sister wronged (§ 25).

The precise date of the action is uncertain. That the misconduct of Boeotus had gone on for eleven years after the death of Mantias is expressly stated (§ 3). And from § 34 it is also clear that the enrolment by the name of Mantitheus instead of Boeotus had been made after some at least of his vexatious proceedings (μετὰ ταῖτα Μαντίθεων ἐαυτοῦ ἐγγράψας εἰς τούς δημότας). In § 35 however he speaks of the action περὶ τοῦ ὄνόματος having been already brought; and there is nothing in the present speech to indicate how soon afterwards the trial about the dowry was commenced.

[The present trial seems to have taken place in the eleventh year after the death of Mantias, who according to the evidence of inscriptions (see note 1 on p. 140) was alive at the end of Ol. 105, 3 = B.C. 357. The earliest possible date for his death is Ol. 105, 4 = B.C. 356, which would give us Ol. 108, 2 = B.C. 347—6 as the probable date of the present trial. This conclusion is supported by other details minutely stated by Arnold Schaefer (Dem. u. s. Zeit iii 2, 224), and coincides with a passage of Dionysius of Halicarnassus' placing the trial περὶ
προικὸς two or three years after the trial περὶ ὄνοματος, which probably belongs to B.C. 350.

Arnold Schaefer (u. s. pp. 225—6) holds the present speech inferior to the speech περὶ ὄνοματος both in grasp of subject-matter and in style and expression. The writer was clearly familiar with the earlier speech, and several closely parallel passages occur in the two orations, which are in some cases better expressed in the earlier speech (cf. Or. 39 § 23 with 40 § 29; 39 § 2 with 40 § 9). For these and similar reasons he concludes that the περὶ προικὸς was not written by Demosthenes. Having in the former case availed himself of the help of Demosthenes without success, the plaintiff may have resorted to another advocate in the latter. In frequency of hiatus and in absence of rhythm the speech is unlike the genuine work of Demosthenes; and, for these and other reasons, Blass agrees with Schaefer in regarding it as the work of another writer. Att. Ber. iii 453. S.]
[The following tables may illustrate some of the genealogical details involved in the case:

<table>
<thead>
<tr>
<th>Cleaenctus of Κυδαθήρανος</th>
<th>Polyaratus of Χολαργός (§§ 6 and 24) (ob. soon after B.C. 399).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleon Or. 40 § 25 (the demagogue, ob. B.C. 422).</td>
<td>Periander, § 6 (trierarch in B.C. 357).</td>
</tr>
<tr>
<td>Cleomedon, § 6 + Daughter*, § 6 (whose second husband was Mantias).</td>
<td>Polyaratus of Χολαργός (trierarch in Samian war B.C. 322).</td>
</tr>
<tr>
<td>(married to Eryximachus whose sister is wife of the famous general Chabrias).</td>
<td></td>
</tr>
<tr>
<td>Cleon Three daughters.</td>
<td></td>
</tr>
<tr>
<td>Pamphilus (§ 20) of Κεφραδαί.</td>
<td>Mantitheus of Θορικός.</td>
</tr>
<tr>
<td>Boeotus (or Mantitheus the elder).</td>
<td>Pamphilus, § 11. MANTITHEUS Son (died early, § 7).</td>
</tr>
<tr>
<td></td>
<td>(the younger).</td>
</tr>
</tbody>
</table>

(Cf. A. Schaefer, u. s. pp. 211—4.) S.]
ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΠΡΟΙΚΟΣ ΜΗΤΡΩΙΑΣ.

ΥΠΟΘΕΣΙΣ.

Καὶ οὐτὸς παρὰ τοῦ αὐτοῦ καὶ πρὸς τὸν αὐτὸν ὁ λόγος εἰρηται. καὶ τὰ μὲν ἄλλα πάντα ταῦτα, ἡ Πλαγγών, ὁ ὅρκος, ἡ τῶν παῖδων ἀναγκαία ποίησις. ἀποθανόντος δὲ τοῦ Μαντίου οἱ παιδεῖς ὄντες τρεῖς,

5 Μαντίθεος οὖν ἐκ τῆς νόμων γαμηθείσης καὶ Βοιωτός καὶ Πάμφιλος οἱ ἐκ τῆς Πλαγγώνος, ἐνέμοντο τὴν οὔσιαν. φάσκοντος δὲ τοῦ Μαντιθέου προῖκα ἑαυτῷ μητρφαίν ὑφειλεσθαι, Βοιωτὸς καὶ Πάμφιλος καὶ αὐτοὶ προίκος ἠμφιοβήτουν, ὡς καὶ τῆς Πλαγγώνος εἰσενεγκα-

10 μένης εἰς τὸν ὦτον τοῦ Μαντίου μνᾶς ἐκατόν. συνε-

δοξεὶν οὖν αὐτὸς νεῖμασθαι πάντα ἐπ᾽ ἕσος πλην τῆς

οἰκίας, ἢ ὁποτέρων ἄν ἡ μήτηρ φανή προῖκα εἰσ-

ενεγκαμένη, τοῦτοις ἀπὸ τῆς οἰκίας ἀποδοθῇ τὸ ἀργύ-

ριον, καὶ πλην τῶν ἀνδραπόδων, ὅπως οἱ περὶ τὸν

Argument. 1. 9, ἠμφιοβήτουν] ‘Put in a counter-claim to a
dower, on the plea that Plango
also (their mother) had brought
into the family-property of
Mantias 100 drachmae.’ Both
the mothers being dead, as well
as the father, their respective
children claim the dower that
each had contributed. The
question mainly turns on the
fact of either or both having
brought a dower. Mantitheus,
when the property was being
shared, claimed his mother's
money over and above his
share. It is clear that he re-
garded Boeotus’ demand as a
mere device for cancelling his
account against the common
property.

eἰσενεγκαμένης] A technical
word in this sense. So Or.
42 § 27, μενοῦσθε μοι τῆς μητρῶς
ἐν τῷ οἰκῷ καὶ ζώσης καὶ προῖκα
ἐπενεγκαμένης. See also inf.
§§ 19, 59, 60.

14. By οἱ περὶ Βοιωτῶν,
1008 Βοιωτών, εἴναν ἐπιζητοῦσί τι τῶν ἐνδουν, ἐχωσιν ἑλεγχοῦν. 15 μετὰ δὲ ταύτα ἀντενεκάλεσαν ἀλλήλοις, ὁ μὲν Μάντιθεος ὑπὲρ τῆς μητρόφας οὐσίαις, ἐκεῖνοι δὲ ὑπὲρ ἀλλων τινῶν. καὶ οἱ διαιτητῆς Μαντιθέου μὲν ἀπεδιαίτησε, Βοιωτοῦ δὲ κατεδιαίτησεν ἐρήμην. λαγχάνει δὴ Μαντιθεος καὶ εἰς τὸ δικαστήριον αὐτῶ τῇ αὐτῆν δίκην, 20 ἀπαιτῶν τὴν προῖκα.

Πάντων ἔστιν ἀνιαρότατον, ὥ ἄνδρες δικασταί, ὅταν τις ὀνόματι μὲν ἄδελφος προσαγορευθῇ τινῶν,

'Boeotus' party,' himself, his brother Pamphilus, and their friends are meant. See Or. 39 § 2. If they should afterwards put in a further claim on any property in the house, with the exception of the slaves, such claims would be refuted by their having been paid and a release given by them. By ἐχωσιν ἐλεγχοῦν he means ἐχωσιν ὧν ἑλέγχωνται as well as ὧν ἑλεγχοῦσι. Otherwise, both parties would hardly have consented to this reservation. The reason why the slaves were reserved appears from § 15, viz. that the question by torture might be put to them, as belonging to both parties alike, if any further claims to property should be made, εὲν τι ἐπιζητοῦσι.

16. μετὰ ταῦτα] After this agreement had been made, that future claims should be paid out of the common property, &c. Boeotus, it seems, thereupon dropped his claim to Plango's dower, and asserted his right to ἄλλα τινα, perhaps thinking that he could make use of the evidence of the slaves in his favour. See § 17.

18. ἀπεδιαίτησε] He gave the decision in favour of Mantineus, and against Boeotus by default (§ 17). Mantitheus, therefore, fortified by this decision, on Boeotus' refusal to pay, brings the same suit into court, requiring payment of the money, i.e. of the dower.

20. καὶ εἰς τὸ δ. 'He brings the same suit also into court': apparently because Boeotus disregarded the arbitrators' decision, on the plea that not Boeotus, but Mantitheus was his name (§ 18). [For λαγχάνειν δίκην εἰς δικαστήριον cf. 59 (Neaer.) § 98 λαγχάνον τούς Λακεδαιμονίους εἰς τούς Ἀμφικτύνας χιλίων ταλάντων. S.]

§§ 1—5. Statement of the hardships the plaintiff has had to bear. First, he has been deprived of two-thirds of his rightful property by the forced recognition of his illegitimate half-brothers. Next, he has been ejected by them from his own home; and thirdly, they withhold the payment of his mother's dower, which he now requires as a portion for a marriageable daughter.

πάντων κ.τ.λ.] 'Nothing is more painful, gentlemen of the
The usual antithesis of λόγος and ἔργον is slightly changed, because ὅνωμα refers to the specific title or name of 'brother.' And hence the dative is used, though προσαγορεύεσθαι ὅνωμα is a more common syntax. See inf. §§ 18, and 20, ὅτι πῶρ' ἄλλο χαίρει προσαγορεύεμενος. [On the form προσαγορεύθη cf. note on Or. 55 § 4. S.]

2. ἐπικρήσασα φανερῶς] 'By manifest perjury.' Kennedy. See Or. 39 § 4.


ἐξελήλαμα] His brother had behaved so badly that he could not continue to live in the same house. See § 56 fin.

eiς ἤν κ.τ.λ.] 'Into which they were admitted, not by my father' (i.e. which might have given some apparent right to their claim to the property), 'but by myself after his death.' Kennedy gives a slightly different turn to the sense, 'and in which I received them after my father's death, though he in his lifetime would never admit them to it.' The point seems to be, that the half-brothers have abused a reluctant concession. Their legal right, at least, is not clear, the marriage of Mantias with Plango being left uncertain.

3. δίκαι δεδωκὼς] 'Though I had given them satisfaction on all matters (plural) in which they made any claim, except indeed some trifling ones which they have wrongfully made the grounds of a cross-suit (or counter-suit) on account of this
...and they may seem to be claimants themselves instead of defendants. The disputes had been referred to arbitration before Solon and another, inf. § 16.—ένεκα τῆς δικης, i.e. for the mere purpose of getting up a claim against my demand for the dowry.

ού δυνάμενοι] Referring to δικάσσαι. ‘I have been unable for eleven years to obtain from them fair treatment (or, a fair settlement of my claims), and so at last I have recourse to you.’

τῶν μετρίων] ‘My just and reasonable demands.’—ένεκα ἐτεσιν, cf. § 18.

4. ὅπως ἀν δύνωμαι κ.τ.λ.] An apology for want of skill in pleading, as in Or. 34 § 1; the fact being suppressed that the speech was really composed for him by another.

...To show me all reasonable consideration; to make allowance for my feelings and language under the circumstances which I shall describe.

eis ἐκδοσιν] ‘For a marriage portion for my daughter,’ who is εἰπίγαμος, nubilis, ‘marriage-able,’ § 57. The gloss of Hesychius, εἰπίγαμος πατρίδος, is difficult to explain. The technical term was ἐπίδοναι προίκα, §§ 6, 56.

[On προίκα, see Hermann’s Privatalt. § 30, 14 to 22 = p. 263 ed. Blümner, also § 65, 15 to 17 = p. 66 of Rechtsalt. ed. Thalheim; and Becker’s Charicles vii p. 293—7 = p. 480 of Engl. abridgment. S.]

5. ἐξὸν—μη] ‘When they need not have come into court at all.’ See Or. 39 § 12.
"He saith, 'H γὰρ μὴ τηρή ἢ εμῆ, ὃ ἄνδρες δικασταί, θυγάτηρ μὲν ἣν Πολυαράτου Χολαργέως, ἀδελφή δὲ Μενεξένου καὶ Βαθύλλου καὶ Περιάνδρου. ἐκδόντος δ' αὐτὴν τῷ πατρὸς Κλεομέδοντι τῷ Κλέωνος νιεῖ, καὶ προῖκα τάλαντον ἐπιδίοντος, τὸ μὲν πρῶτον τοῦτο συνφόκει· γενομένων δ' αὐτῇ τριῶν μὲν θυγατέρων, νιοῦ δ' ἐνὸς ΙΟΙΟ Κλέωνος\(^a\), καὶ μετὰ ταῦτα τοῦ ἄνδρος αὐτῆς τελευτήσαντος, ἀπολιποῦσα τὸν οἶκον καὶ κομισαμένη τὴν 7 προῖκα, πάλιν ἐκδόντων αὐτῆς τῶν ἀδελφῶν Μενεξένου καὶ Βαθύλλου (ὁ γὰρ Περιάνδρος ἔτι παῖς ἢν) καὶ τὸ τάλαντον ἐπιδίοντος συνφόκησε τῷ ἐμῷ πατρί.

\(^c\) οὐς ἐγὼ αἰτίων οὐκ εἰμὶ Ζ. (οὐς οὐκ ἐγὼ αἰτίων οὐκ εἰμὶ Σ.) ἐγὼ τοῦτον Bekk. cum margine Σ.

\(^d\) Bekk. om. Ζ cum Σ.

\(\mu̇ \ ορθὸς \ διεπράζοι\) 'Any act which my father improperly committed.' He somewhat curtly alludes to the paternal peccadilloes mentioned in Or. 39 § 26. Perhaps certain political misdoings are included. Ibid. § 3.

\(\S\S\ 6, 7. \ The \ family \ history.\) My mother had been married before to Cleomedon, a son of Cleon, with the dower of a talent. After his death, her brothers gave her to my father Mantias, with the same dower, to which I (my younger brother by her being dead) am now the sole claimant.

Πολυαράτου\) Cf. § 24. In B.C. 409 he held a financial office, as is shown by an inscription concluding with the words 'Ἐλληνοταμία Ἀναστίῳ Σφηντίῳ καὶ παρέδρῳ [Π]ολυαράτῳ Χολαργείῳ. Boeckh, Publ. Ec. ii vii p. 245 trans. Lamb. S.]

Χολαργείῳ] Hesych. Χολαργής' δῆμος φυλῆς 'Ακαμαντίδος. Arist. Ach. 855, Λυσίστράτος τ' ἐν τάγορᾳ Χολαργεῶν ὄνειδος. More is said of these brothers inf. § 25.

τῷ Κλέωνος νιεῖ] See Arg. Or. 39, n. 1. On Cleon, the famous demagogue, see further in § 25.

καὶ γήγορομαι αὐτοῖς ἐγώ τε καὶ ἄλλος ἀδέλφος νεώτερος ἕμοῦ, ὃς ἔτι παῖς ὅν ἐτελεύτησεν. ὡς δ' ἀληθῆ λέγω περὶ τούτων ὑμῖν, πρῶτον τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ.

Τὴν μὲν τοῖνυν μητέρα τῆν ἐμῆν οὕτως ὁ πατήρ 8 μου γῆμας ἕχε γυναῖκα ἐν τῇ οἰκιᾷ τῇ ἐαυτοῦ, ἐμὲ τε ἐπαίδευε καὶ ἡγάτα, ὥσπερ καὶ ὑμεῖς ἀπαντεῖς τοὺς ὑμετέρους παῖδας ἀγαπάτε. τῇ δὲ τούτων μητρὶ Πλαγγόνι ἐπιληψίασεν ὑντίνα δὴ ποτ' οὖν τρόπον οὐ γὰρ ἐμὸν τοῦτο λέγειν ἐστί. καὶ οὕτως οὐ πάντα γε ἢν 9 ὑπὸ τῆς ἐπιθυμίας κεκρατημένος, ὥστ' οὖν ἔδε τῆς μητρὸς τῆς ἐμῆς ἀποθανούσης ἠξίωσεν αὐτὴν εἰς τὴν οἰκίαν.

§§ 8—10. Mantias treated his lawful wife with all affection, and me also her son; while Plango the mistress and her brats held quite a secondary place, and were not acknowledged at all; nay, even on the death of his wife, he would have nothing to say to them. It was only when Boeotus being grown up had conspired with some good-for-nothing friends of his to defraud me, and by their advice had brought a suit against them. It was only when Mantias was under restraint, and by their advice had brought a suit against them. He reluctantly acknowledged the children of the mistress; and the defendant gained his end by the perjury of the woman in collusion with Menecles.

ὥσπερ καὶ ὑμεῖς] An appeal to the feelings of the judges, and a compliment to their character. The argumentum ad misericordiam is similarly seen in §§ 4, 5.

ἀπεριστεραί—τρόπον] This must mean that he does not know and does not care to inquire how the connexion arose [45 § 3].—ἐπιληπτέεν, 'he had formed a connexion with' [Isaeus 3 § 10], a common sense of πελά-ζεων. Aesch. Suppl. 300, οὐκόν πελάζει Ζεὺς ἐπ' εὐκραίρῳ βο. Soph. Trach. 17, πρὶν τήδε κοιτὶς ἐμπελασθήναι ποτὲ. Eur. Andr. 25, πλαθεῖσα 'Ἀχιλλέως παιό. Hence the Spartan word πλάτις, 'a wife,' Ar. Ach. 132.

9. οὕτως οὖ—ὡστ' οὖν Κ.Τ.Λ.] Adeo non prorsus cupidine victus ut ne mortua quidem mater domo eam ad se receperit. We may construe either οὖ πάντα, in the sense of μετρίως (C. R. Kennedy, 'he was so far under restraint'), or οὐ κεκρατημένος πάντα, 'not wholly (or in all his impulses) overcome by his passion.' The general sense is, 'and though he was very fond of her, he refused to give either her or her sons any formal recognition.' ['He was not so mastered by his passion, as to introduce her to live with him in his house.' Prof. Kennedy.]
παρ’ ἑαυτὸν εἰσδέξασθαι, οὐδὲ τούτους, ὡς νῦες εἰσὶν αὐτοῖ, πεισθήναι ἀλλὰ τὸν μὲν ἄλλον χρόνον οὕτως διήγην οὐκ ὄντες τούμοι πατρὸς, ὡς καὶ ὑμῶν ἐν πολλοὶ ἵσασιν, ἐπειδὴ δ' οὗτος ἀνυξηθεὶς καὶ μεθ' αὐτοῦ παρασκευασάμενος ἐργαστήριοι συκοφάντων, ὅν ἠγεμόνι ἤν Μνησικλῆς καὶ Μενεκλῆς ἐκεῖνος ὁ τὴν Νίκον ἔλων, μεθ' ὅν οὗτος ἐδικαζέτο μοι τῷ πατρὶ

10 φάσκων νῦν εἶναι ἐκεῖνον. συνόδων δὲ γιγνομένων πολλῶν ὑπὲρ τούτων, καὶ τοῦ πατρὸς οὐκ ἀν φάσκοντος πεισθήναι οὕτως ἄνθρωπον ἐξ αὐτοῦ, τελευτῶσα Ἡ Πλαγγώ, ὥς ἄνδρες δικασταί, (πάντα γὰρ εἰρύσται τάληθη πρὸς ὑμᾶς) μετὰ τοῦ Μενεκλέους ἐνεδρέυσασα τὸν πατέρα μου καὶ ἐξαπατήσασα ὅρκῳ ὃς μέγιστος δοκεῖ καὶ δεινότατος παρὰ πάσιν ἄνθρωποι εἶναι,

α Ἐκκ. οὗτος Ζ cum ΣΦ.
β Ἐκκ. μετὰ αὐτοῦ Ζ. (μετανοῦ Σ.)

τὸν μὲν ἄλλον χρόνον] 'In the first instance.'
οὐκ ὄντες] The meaning is, that they were not sons at all till a later period, when they were legally made so by adoption.
ἐπειδὴ δ' κ.τ.λ.] There is no proper apodosis, which was intended to be at τελευτῶσα Ἡ Πλαγγώ, in § 10. It would be better perhaps to place not a full stop, but a mark of aposiopesis, or break in the sense, after ἐκεῖνον. Shilleto cites this passage, not. crit. on De Fals. Leg. p. 333, where a long and irregular sentence begins with ἐπειδὴ δὲ.

παρασκευασάμενος] In Or. 39 § 2, where much the same words occur in a more regularly constructed sentence (cf. Introd. p. 180), he uses μεθ' ἑαυτοῦ κατασκευάζας, 'having got them to act with himself against his own father.'

10. οὐκ ἀν φάσκοντος] i.e. φάσκοντος ὧτι οὐκ ἀν ποτὲ πεισθεὶ. Mantias does not say 'he never will be persuaded to acknowledge them,' but he does not believe they are his sons at all. This is a strong point in the case, if a true assertion. He only adopted them ultimately because he was compelled by the law.

τελευτῶσα] 'At last.' So in Soph. Ant. 260, κἀν ἐγένετο πληγή τελευτῶ, Or. 54 § 26.

ἐνεδρέυσασα] The accusative rather depends on ἐξαπατήσασα than on this participle. It is remarkable that a quotation follows from II. xv 37 ἵπτω—Στυγός ὦδρ, ὡστε μέγιστος ὁρκὸς δεινότατος τε πέλει μακάρεσσι θεοῦσιν.
She promised, on the receipt of 30 minae, that she would get her brothers to adopt the defendants as their sons (lit. ‘bring them into the phratries as sons to her brothers’), but that she herself, if my father should challenge her before the arbitrator to swear that the children were in very truth by him, would decline to accept the challenge.

The transaction is related in Or. 39 § 3; but Plango is there said μεσεγγυήσασθαι ἀργύριον. For εἰσποιεῖν, ‘to cause a child to be adopted,’ see Or. 43 (πρὸς Μακαρτ.) § 15, ἐμοὶ γὰρ οὐκέτι οἶνον τ’ ἴη, ὡς ἄνδρες δικασταί, κυρίως ἐγεγράφθαι, εἰσεπτομὴντόνπαίδαεἰστὸνοἶκοντῶνΕὐβοιολίδουOr.44(πρὸςΛεωκ.)§34,οὐκἐπιλογισάμενος—ὅτιοἰεἰσποιεῖςοὐκαὐτοὶὑφαὐτῶν,ἀλλὰὑπὸτῶνεἰσποιομενῶνκαθίστανται. Hence the word was opposed to the natural relation, and meant θέτως, νόδος, ἐξεθεν γεγενημένος, as Hesychius explains it.

οὐ δέξεσθαι] Madvig Gk. Synth. § 205. Virtually this is ωμολογήσει τριάκοντα μνᾶς λαβούσα τούτους μὲν τοῖς αὐτῆς ἀδελφοῖς εἰσποιήσεν νεῖς, αὐτῇ δ’, ἄν πρὸς τῷ διαιτητῷ προκαληται αὐτὴν ὁ πατήρ μου ὀμόσαι ἢ μὴν τοὺς παίδας ἐξ αὐτοῦ γεγονέναι, οὐ δέξεσθαι τῇ πρόκλησιν τούτων γὰρ γενομένων οὔτε τούτους ἀποστερήσεσθαι τῆς πόλεως, τῷ τε πατρὶ μοῦ οὐκέτι δυνήσεσθαι αὐτοὺς πράγματα παρέχειν τῆς μητρὸς αὐτῶν οὐ δέξαμένης τὸν ὃρκον. συγχωρηθέντων δὲ ἔλθεν ὃτι οὐ δέξωτο. With the infinitive, μὴ would be the usual idiom.

οὔτε τούτου] As long as the three boys were enrolled in the phratries, their citizenship would be secured to them; while, if enrolled as the sons of Plango’s brothers, they could no longer claim to be the sons of Mantias, and he would be rid of all further trouble from them. For πράγματα παρέχειν, i.e. ἐνοχλεῖν, a common expression, it is hardly necessary to cite inf. § 35, κακὰ μοι παρέχων ἱράγκασε με λαχεῖν αὐτῷ δίκην. Mid. § 17, p. 520, κακὰ καὶ πράγματα ἀμφθητα μοι παρέχων διετέλεσε. Ar. Vesp. 312, τι με δῆν, ῦ μελέα μῆτερ, ἐτίκτες, ἐν εἰμοὶ πράγματα βόσκειν παρέχεις; (This is said to be from the Theseus of Euripides. The original probably was, ἦν οἰς πράγματα βόσκειν παρέχω, ‘to give you trouble in maintaining me.’) §§ 11, 12. Plango violated her promise and declared on oath that the defendants were my father’s sons; and so he was compelled, though seriously an-
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**XL. ΠΡΟΣ ΒΟΙΩΤΟΝ [§§ 11—14**

toύτων τι ἄν ύμων μακρολογοιήν; ὁς γὰρ πρὸς τὸν
diaiτητὴν ἀπήντησε, παραβάσα πάντα τὰ ὁμολογη-
μένα η Πλαγγών δέχεται τε τὴν πρόκλησιν καὶ ὁμ-
νυσιν ἐν τῷ Δελφινίῳ ἄλλον ὄρκον ἐναντίον τῷ προ-
tέρῳ, ὥσ καὶ ύμων οἱ πολλοὶ ἱσασί περιβόητος γὰρ ἡ
πράξεις ἐγένετο. καὶ οὕτως ὁ πατήρ μου διὰ τὴν ἑαυτοῦ
πρόκλησιν ἀναγκασθεὶς ἐμμείναι τῇ διαίτῃ ἐπὶ μὲν
τοὺς γεγενημένους ἡγανάκτει καὶ βαρέως ἐφέρε, καὶ
eἰς τὴν οἰκίαν οὔτ' ὡς εἰσδεξασθαί τούτων ἡξίωσεν, εἰς
de τοὺς φράτερας ἡναγκάσθη εἰσαγαγεῖν. καὶ τούτων
12 μὲν ἐνέγραψε Βοιώτον, τὸν δ’ ἔτερον Πάμφιλον. ἐμὲ
δ’ εὐθὺς ἐπεισε περὶ ὀκτωκαίδεκ’ ἐτη γεγενημένου τὴν
Εὐφήμον γῆμαι θυγατέρα, βουλόμενος παίδας εξ ἐμοῦ
gενομένους ἐπίδειεν. ἐγὼ δ’, ὥς ἄνδρες δικασταὶ, νομίζων

noyed at the result, to enrol them
as such in the phratries. I then,
at my father’s request, married
at the age of 18.

πρὸς τὸν δ.] The accusative is
used from the notion of going
to court to meet some one by
agreement. So inf. § 17, οὐκ
ἀπαντήσαντος πρὸς τὸν διαίτητιν,
and §§ 38, 39, where the same
formula occurs, as Mr Mayor
points out, p. 247.

Δελφινίῳ] This court is not
often mentioned; it was said to
be attached to a temple of A-
pollo at Athens, and probably
was specially used in cases of
solemn attestation respecting
birth-right. [Harpoer. s.v. Ἀθη-
νησιν ιερὸν Ἀπόλλωνος, ἔνθα ἦν
καὶ τὸ ἐν Δελφινίῳ δικαστήριον.
Ἀμ. ἐν τῷ πρὸς Βοιώτον. S.] To
this perhaps Or. 54 (κατ’ Κόρ.)
§ 26 refers, πρὸς τὸν λίθον
ἄγοντες καὶ ἐξορκίζοντες—ἐξ ἐτα-
πας εἶναι παῖδων αὐτῷ παῦτο,
though ὁ λίθος is generally
understood of the altar in the
Acropolis. See Or. 23 (κατ’
Ἄρσιν.) § 74.

ἡ πράξεις] Rather unusual
for τὸ πράγμα, but the way of
doing it, rather than the thing
done, is described.

διὰ τὴν ἑαυτοῦ πρόκλησιν] Not
from any will of his own, but
from his folly in trusting the
oath of such a woman as
Plango.

12. ἐπίδειεν] ‘To live to see.’
This, with ἐπίδειων § 13, is a good
example of a remarkable, but
not uncommon, sense of the
verb. Another is Aesch. Agam.
1538, ἵω γά, γά, εἶδε μὲ ἐδέξει,
pρὶν τόν ἐπίδειν ἀγγευροτόχον
δροιτας κατέχοντα χαθευς. Ηἐ-
ρ. ὑπ. 52, ἐπιδοῦντα δὲ τὸν Ἄρσ-
tόδημον τὰ τέκνα, νοσός τελευτάν.
Mantias, on being compelled to
adopt the sons of Plango, in-
duced his legitimate son to
marry, in order to perpetuate
the descent through him as the
rightful heir. We may infer
from εὐθὺς and βουλόμενος ἐπίδειεν
that Mantias was either advanced in life or consciously infirm, though below Mantitheus says he fell ill and died of pollois etesiv mos pub.

As before, so especially now when the defendants were beginning to annoy him.'

that Mantias was either advanced in life or consciously infirm, though below Mantitheus says he fell ill and died of pollois etesiv misteron.

'As before, so especially now when the defendants were beginning to annoy him.'

§§ 13, 14. Though my father would not receive them under his roof, I did so after his decease, not wishing to oppose the law, which had recognised them as my brothers. It was then that they met my claim to my mother's dowry by a counter-claim on the property for the same amount in right of their mother Plango.

εναντιονθα] He did not care (so he pretends) to oppose his father's expressed dislike to admit the adopted sons to live with him.

ου...ουαν] 'Not as being really my brothers,' contrasted with δν τρόπον γεγονασιν ('the manner in which they have become so,' or 'in what manner they have been born.' Prof. Kennedy).

λελαθασιν] He might have said εα λελεθαν, but the Greeks, as is well known, prefer in these idioms the personal use of the verb, e.g. δικαιος ει σαιειν, δωκας ποιησειν, &c. The matter was περιεβοτον, 'notorious,' §11, and so the jury are now supposed to know all about it. [Aristotle's allusion, quoted on p. 141, implies that the facts were noise abroad. S.]

εξηπατησι] He uses a word which has more of bitterness even than ψαγκασθη.

14. εισδεχετεν] Here the aorist of a deponent has a passive sense as well as form. See a paper by R. Shilleto in the Journal of Philology, xiii p. 151. (A good example, omitted by him, is Eur. Hec. 448,
ἀπολαβέων τὴν τῆς μητρὸς προίκα ἀντενεκάλουν καὶ
οὗτοι, καὶ ἐφασαν ὀφείλεσθαι καὶ τῇ αὐτῶν μητρὶ τὴν
ίσην προίκα. συμβουλευσάντων δὲ ἡμῶν τῶν παρόντων
tά μὲν ἀλλα πάντα ἐνειμάμεθα, τὴν δὲ οἰκίαν καὶ τούς
παῖδας τοὺς διακόνους τοὺς τοῦ πατρὸς ἐξαιρέτους
έποιησάμεθα, ὡς ἐκ μὲν τῆς οἰκίας, ὅποτέροις ἄν ἡμῶν
φαίνηται ὀφειλομένη ἡ προίξ, οὗτοι αὐτὴν κομίζονται,
ἐκ δὲ τῶν παίδων κοινῶν οὕτων, εάν τι οὗτοι
tῶν πατρὸς ἐπιζητῶσι, πυνθάωνται, καὶ βασανιζόντες
αὐτοὺς καὶ ἄλλο ὅτῳ ἄν τρόπῳ βούλωνται
ξητοῦντες. ὡς ἐκ καὶ ταῦτα ἀληθῆ λέγω, ἐκ τούτων
tῶν μαρτυριῶν εἰσεθῆ.

15 ἐξαιρέτους] 'Specially reserved.' Cf. inf. §§ 56, 60.

16. ἐνα· κ.τ.λ.] 'In order that, to whichever side of us
the dower should appear to be
due, that party might recover
it from (the value of) the house;
and that if the defendants should
put in a further claim to any of
my father's effects, they might
make inquiry respecting it from
the slaves, as common property,
either by torturing them or by
looking into the matter in any
other way they may please.'
The exact sense of ἐπιζητῶσι is
rather obscure. Kennedy trans-
lates, 'should these men want
to search for any of our father's
effects.' It might be, that they
supposed some property had
been concealed, and that the
slaves knew where it was; but
it might also mean that (as in
Or. 36 § 14) some small effects
were claimed in addition to the property distributed, and that the slaves would be asked respecting the ownership. And this is the sense in which the term seems to be explained in the Argument, ενώ επίζητως τι των ἐνδον.

§§ 16—18. At first our respective claims were submitted to one Solon for arbitration; but, some delays having intervened, the case was tried afresh, and the suit, which was filed in the name of Boeotus, was given against him. Knowing he was in the wrong, he did not carry the case to a higher court; but he has brought an action for other and fresh claims, denying at the same time that the decision had gone against him, for his name (he said) was not Boeotus. I was thus compelled to file a new bill against him as Mantitheus.

δικας ἐλαχον] This seems to refer to the suit mentioned in § 3, πλην εὐ τινα ἐν ἐνεκάλουν κἀγὼ τούτοις ὑπὲρ τῆς προικός. καὶ τὸ μὲν πρότου παραγραφάμενοι Σόλωνα 'Ερχιέα διαιτητὴν τούτῳ ἐπετρέψαμεν δικάσαι περὶ ὅν ἐνεκαλούμεν ἀλλήλοις; ὡς δὲ οὐκ ἀπήντων οὕτω, ἀλλ' ἐφυγοδίκον καὶ χρόνος διετρίβετο συνχός, τῷ μὲν Σόλωνι συνέβη τελευτήσαί τὸν βίον, οὐτοὶ δὲ πάλιν εξ ὑπαρχῆς λανχάνουσι μοι δίκας, καὶ ἐγὼ τούτῳ, προσκαλεσάμενοι αὐτὸν καὶ ἐπιγραφάμενοι ἐπὶ τὸ.

Or. 34 § 43. 'Causing him to be inserted in the margin, or at the foot, of the record,' Kennedy; who observes that the arbitrators appear to have been publici (κηρωτοι), not private (αἰρετοι); since there was no appeal from the decision of the latter, and the words οὕτῳ ἐφήκεν εἰς τὸ δικαστήριον in § 17 imply that there was in this case a power of appeal.

'Ἐρχιέα] The name of the deme 'Ἐρχία occurs, but in a doubtful reading and in a passage of doubtful genuineness, Mid. § 22, Παρμένης Παρμένου 'Ερχιέας. Photius, 'Ἐρχιάδοις. 'Ἐρχία δήμος τῆς 'Αττικῆς. Hesych. 'Ἐρχιέας δήμος φυλῆς τῆς Ἀἰγυπτίδος.

ἐφυγοδίκον] 'Shirked the hearing altogether,' Kennedy. A rare word, if not ἀπαξ εἰρημένων.

τάλω εξ ὑπαρχῆς] Soph. Oed. Tyr. 132, ἀλλ' εξ ὑπαρχῆς αὖθις αὖτ' ἐγὼ φαν. Hesych. εξ ὑπαρχῆςς εξ ἄρχες. ἐπὶ τὸ ἐγκήνημα] This clause reads like a gloss. 'Having had the name Boeotus written upon it,' is the simple sense.
ο πατήρ έθετο] See Or. 39 § 4. Mantitheus resolved not to acknowledge any other name than Boeotus for his half-brother, although it is more than probable (as before remarked) that he had succeeded in establishing his right to be called Mantitheus. This indeed appears in § 20.

17. παρόντος] See § 31, παρών αὐτὸς δὲ άπεδεύτησε μον ὁ διαίτης, and inf. § 55. When he brought the action against me, he appeared before the arbitrator, and accepted the cross-suit which I at the same time brought against him, though his name was entered as Boeotus. But when the suit went against him, then he said he was not Boeotus, but Mantitheus. For ἀποδιαιτάν, like ἀπογινώσαι των τής δίκης, § 39, is to acquit, or give sentence in favour of a person. The full phrase, which occurs in § 55, is ἀποδιαιτάν δίκην τινός. The contrary is καταδιαιτάν τινός. Cf. Mid. § 85 πέσθεν αὐτὸν ἦν κατεδεύτηκει, ταύτην ἀποδευτήσημεν ἀποφαίνειν.

έφηκεν] See Or. 34 § 21.—περὶ ἐκείνου, i.e. he has not now made that claim, viz. specially and exclusively to the dowry of his mother Plango.

τήν δίκην ταύτην] He thought that my claims to my mother's dower might be set aside by his counter-claim to other property; or at least, that if both claims were allowed, one might cancel the other. See § 3.

tότε] "After the death of Solon each party brought a suit against the other. Boeotus appeared in court as plaintiff, but made no appearance as defendant. This is shown by the antithesis περὶ μὲν οὖν ὃν ὁ οὖτοι μοι ἐδικάζοντο—τήν δ' ἐγὼ τούτων ἐδίκων. It is this second suit, not that before Solon, to which τότε refers." Mr Mayor, p. 248.—ἐπιδημούντος, though he was in town and might have appeared if he had liked. This seems to show that in the case of absence abroad, a judgment could not go by default. But there is some obscurity here: the first arbitrator, Solon, died before the decision was given; before the second arbitrator Boeotus did appear (ἀντιδικοῦντος τούτου).—ἐρήμην, so in the same passage of the Midías, τήν ἐρήμην δεδωκότα, sc. διάταγ.
Thus the defendant in this (the second) case not only did not appear, though he was in Athens, but he declared I had not got the verdict against him, for his name was not Boeotus, but Mantitheus.' See inf. § 31, and Or. 39 § 37. We might have expected οὕτως δὲ, κ.τ.λ. but the δὲ is really antithetical to περὶ μὲν οὖν οὐν οὕτως, &c. above. ὄνοματι ἀμφιβολῶν] 'By disputing (quibbling or cavilling) about a name.' For the antithesis with ἔργῳ, see sup. § 1.

ἀπορῶν κ.τ.λ.] 'As I scarcely knew how such a case was to be dealt with.' Kennedy. Cf. Or. 34 § 46, ἐγὼ δ' οὖν ἔχω τί χρήσωμαι τοῖς τούτων μάρτυρις, and 53 § 13.

Μαντιθέω] 'As Mantitheus,' i.e. by an altered name. (Or perhaps, 'with Mantitheus himself,' in ironical allusion to Boeotus being somebody else. Cf. § 20 init. Mr Mayor does not think any irony is meant, but translates (p. 248), 'I prosecuted him as being actually Mantitheus,—under the actual name Mantitheus.') If Μαντιθέω is not to be regarded as an interpolated gloss, we must conclude that the legal difficulty could only be got over in this way; for the defendant, after his father's death, ἐλθὼν εἰς τοὺς δήμωτας ἀντὶ Βοεωτοῦ Μαντιθέων ἐνέγραψεν ἑαυτῷ, Or. 39 § 5. And the filing of an action against Mantitheus was a virtual acknowledgment that he could now legally claim that name. It is very likely that the trueborn Mantitheus really lost his cause by showing 'contempt of court' in still insisting that Boeotus was the right name. It would doubtless be a hard matter to alter a name once duly inserted in the γραμματεῖον ληστικικόν.

The brothers were κύριοι, i.e. had legal disposal, as next of kin,
συνάκησε τῷ πατρὶ, καὶ ὅν τρόπον ἐγὼ τούτους εἰσε-
δεξάμην εἰς τὴν οἰκίαν τοῦ πατρὸς τελευτήσαντος,
καὶ ὅτι ἀπέφυγον αὐτοὺς τὰς δίκας ἃς μοι ἐνεκάλουν,
ταῦτα μὲν πάντα καὶ μεμαρτύρηται ὑμῖν καὶ ἐπιδέ-
δεικταί. 'Θι δὲ λαβὲ καὶ τὸν περὶ τῆς προικὸς νόμον
τούτου.

ΝΟΜΟΣ.

20 Ὁ ὕστω τοίνυν τοῦ νόμου ἐχοντος οἷμαι τούτου
Βοιωτῶν ἦ Μαυτίθεον, ἦ ὁ τί ποτ' ἄλλο χαίρει προσα-
γορεύομενος, δικαίως μὲν ἀπολογίαν καὶ ἀληθινὴν
οὐδεμίαν ἐξείν εἰπεῖν, ἐπιχειρήσειν δὲ τῇ τόλμῃ καὶ
τῇ θρασύτητι τῇ ἑαυτοῦ πιστεύοντα περιστάναι τὰς
ἑαυτοῦ συμφορὰς εἰς ἐμὲ, ἀπερ καὶ ἱδία ποιεῖν εἰσθε,
λέγων ὡς δημειθεῖσα τῆς τοῦ Παμφίλου οὐσίας, ὃς
ἂν πατὴρ τῆς Πλαγγόνος, τὰ περιγενόμενα χρήματα
ὁ πατὴρ ὁ ἐμὸς ἔλαβεν ἐκ τοῦ βουλευτηρίου, καὶ ὅτως

of the person and property of their sister. [Lysias 16 § 10,
δνο ἀδελφὸς εξέδωκα ἐπιδούς τρί-
κοντα μνᾶς ἐκατέρι. S.]
ἀπέφυγο
'Obtained judg-
ment in the actions which they
brought against me.' Kennedy.
The double accusative is used as
in μετελθεῖν των δίκην. See inf.
§ 42, ἃς ἐγὼ δίκας τούτος ἀπε-
φυγον.
§§ 20, 21. Having no just
plea, he will pretend that his
mother Plango was entitled to
the residue of her father's con-
fiscated estate, and that my
father actually received it, while
my mother had no dower at all.
But this is mere assertion; for
he knows it would not suit his
interest to admit that he is act-
ing dishonestly.

ὁ τί ποτ' ἄλλο], sc. ἄλοιμα.
See on § 1. There is a kind of
pettishness in this reluctant
admission that there really was
some legal ground for disclaim-
ing the name of Boeotus.
ἀλθων] 'Genuine,' op-
posed to πλαστὴν, 'fictitious:'
while ἀλθῆ is opposed to
ψευδη.
περιστάναι] See Or. 37 § 39.
The intransitive is more com-
mon, as τὸ πράγμα περιέστη εἰς
ὑπέρδειον, &c. See Thuc. i 78,
ἐς τούτας φιλεῖ περισταθοῦσα.
Or. 37 § 10, ὅρων τὸ πράγμα μοι
περιστηκὼς ἐις ἀποτομ.
The meaning seems to be, that he
will try to make it appear that
my mother's father had been
proscribed (by the Thirty, pro-
ably); which in fact was the
case with his mother's father.
'He will try to shift the mis-
fortunes of his own family on
my shoulders.' Kennedy.

ἐκ τοῦ βουλευτηρίου] Whether
generally or specially, after the
dissolution of the Thirty, the Council had financial duties of this kind, may perhaps be questioned. But it was a rule of Athenian policy that the should have especial jurisdiction in all matters of finance. See Boeckh, P. Econ. p. 153—4, trans. Lewis—.—τὰ περι-

\[\text{See on § 14. Of the Attic formula πλείν ἣ (not πλέων ἣ) Cobet has collected numerous examples in Var. Lect. p. 237.}

\[\text{21. ἐμβεβλημένος] ‘Without having filed (or, entered) any affidavit.’ In the mediæval sense, like μαρτυριάν ἐνεβάλοντο, § 58, lit. ‘having caused to be thrown in,’ i.e. εἰς τὸν ἐξῆνον. See § 28.—παραγωγάς, arguments to lead away from the real point; ‘shuffling excuses.’ Kennedy. Hesych. παραγωγάς ἅπάτατος, χρή-

\[\text{seis. (Perhaps καταχρῆσεις,)}\ Or. 23 (κατὰ Ἀριστ.) § 55, ἀπλὴν μὲν, οὖθε δικαίαν οὖθε ἡπτομον ἀπολο-

\[\text{γίαιν Ἀριστοκράτης ἐξει λέγειν, παραγωγάς δὲ τουτούς τινὰς ἐρεί. ὁμολογῶν κ.τ.λ.] Fals. leg. 215 ιστὸ γὰρ δῆποι τοῦδ’, ὅτι ἂφ οὗ γεγόνασιν ἄνθρωποι καὶ κρίσεις γίνονται, οὔθει πῶσοθ ὁμολογῶν ἀδικεῖν ἑάλω, ἀλλ' ἀναπληρώσωσιν, ἀρνοῦται, ψεύδοται, προφάσεις πλάσσονται, πάντα ποιοῦσιν ὑπὲρ τοῦ μὴ δοῦναι δίκην. Τὸ πασ-

\[\text{sage belongs to a later date than the present speech, but the writers of both may have borrowed from an earlier original, Blass Att. Ber. iii 453. S.]}

\[\text{περὶ τούτου] Either ‘about this matter,’ or ‘about the family history of the defendant.’}

\[\text{§§ 22, 3. Pamphilus, in fact, the father of Plango, died indebted to the treasury, and in a sum so large that the sale of his property did not realize it. Besides, had there been any surplus, it must have come to the sons, and not to the daughter.}
And they were not the men to let my father get possession of what belonged to them. In Or. 37 § 49, it is personal, toσούτου έδέχεσα
Impersonally used: 'so far was it from there being any surplus for his children when the property had been scheduled and
publicly sold, that not even the whole of the debt has been discharged on his account.' In Or. 37 § 49, it is personal, τοσούτου δεῖς έλεον των άξιων είναι έστε, κ.τ.λ.—άπογραφένης, after an inventory of it had been made, and a formal return of the goods or property. See Or. 34 § 7. A similar word is άποφασις and άποφαίνειν. Or. 42 §§ 1, 9.

23. ei τά μάλιστα κ.τ.λ.] 'If it were ever so true that this surplus existed,' άποφαίνθημαν] The common reading before Reiske's edition was άποφαίνθημα, which comes to the same thing. The latter, G. H. Schaeffer remarks, is for ήτι έν τά πόνοις, the former for άτι άν έν τά πόνοις. 'They surely were not men who, to get hold of the property of others, would (as you all of you know) have recourse to any artifice, and yet would have tamely allowed my father to have received what belonged to them.' Kennedy translates: 'persons who would go all lengths to get the property of others, as you all know, and of course would never have allowed my father to receive what belonged to them.' The άν belongs to both clauses, but the imperfect represents the habitual way of action, the
ἀπαντες ἵστε, τὰ δ' αὐτῶν τὸν ἐμὸν πατέρα περιείδον κομωσάμενον. ὅτι μὲν τοῖνυν ἦ γε τοῦτου μήτηρ οὐκ 24 ἐπηνέγκατο προῖκα, ἀλλ' οὕτω τοῦτο ψεύδονται, ικανός ὡμᾶς μεμαθηκέναι νομίζω. ὅτι δ' ἐμῆ μήτηρ ἐπηνεγκατο, ῥᾴδιως ἐγώ δεῖξω. πρῶτον μὲν γὰρ Πολυαράτου θυγάτηρ ἦν, ὡς καὶ υἱ' ὑμῶν ἐτιμᾶτο καὶ πολλῆς οὐσίαν ἐκέκτητο· ἐπειτ' μεμαρτύρηται ὑμῖν ὡς καὶ ἠδελφή αὐτῆς τοσαύτην προῖκα ἐπε-ιοίδε νεγκαμένη Ἐρυξιμάχῳ συνίκησε, τὸ Χαβρίου κη-δεστή. πρὸς δὲ τούτοις φαίνεται μου ἢ μήτηρ τὸ 25 πρῶτον ἐκδοθείσα Κλεομέδουτι, ὡς φασί τὸν πατέρα Κλέωνα τῶν ὑμετέρων προγόνων στρατηγοῦντα, Λακε-δαιμονίων πολλοὺς ἐν Πύλῳ τζῶντας λαβόντα, μάλιστα πάντων ἐν τῇ πόλει εὐδοκιμῆσαι ὅστ' οὕτω τὸν ἐκεί-νου προσήκειν υἱόν ἀπροικοίν αὐτὴν γῆμαι, οὕτε Μενε-  

aorist the single event. A similar syntax occurs inf. § 26. §§ 24, 5. That his mother did not bring a dower, but mine did, is easily shown. My mother belonged to a rich family, and married for her first husband the son of the great Cleon. After his death, it was not likely that her wealthy brothers should have withheld her dower; rather, they would have added to it.

Χαβρίου] The celebrated Athenian general, who married the sister of Eryximachus.

25. ἐκδοθείσα] The capture of Pylos by Cleon took place more than seventy-five years before this (b.c. 425). Cf. Thuc. iv 28, 29 and Ar. Eq. 55, 702, 740. The preference, even at this late period, for oral instruction rather than for reading written histories, will account for the expression 'they say that Cleon captured the pri-

soners at Pylos.' Compare λέ-γεται Ἀλκιβιάδης γενέσθαι, &c. in Mid. § 143. It is not meant, as G. H. Schaefer observes, that a mere vague or uncertain story is referred to. This casual mention of Cleon, and of his reputation for the event, má-λιστα πάντων εὐδοκιμῆσαι, is interesting. Aristophanes, in pure spite, says that ἔλαμψε τῆς τόχης χάριν, 'he became distinguished by favour of fortune,' Vesp. 62. On the importance attached to στρατηγεῖν, see Or. 34 § 50. By τῶν προγόνων it is merely meant that the ances-
tors of some of the present jury might have served under Cleon.

τὸν ἐκείνου υἱόν] Not merely 'his son' (Kennedy), but 'the son of that distinguished man, now deceased' (§ 28).—ὁν προϊκο-

κεφ, 'it was not consistent with the wealth and position of the family.'
ξενον καὶ Βάθυλλον εἰκὸς ἐστιν, αὐτοῦς τε οὕσιαν πολλήν κεκτημένους καὶ Κλεομέδουτος τελευτήσαντος κομισαμένους τὴν προῖκα, ἀποστερήσαι τὴν ἀδελφὴν τὴν ἑαυτῶν, ἀλλὰ προσθέντας αὐτοὺς ἐκδοῦναι τῷ ἡμετέρῳ πατρὶ, καθάπερ καὶ αὐτοὶ πρὸς ύμᾶς καὶ οἱ ἀλλοι μεμαρτυρήκασιν. χωρὶς δὲ τούτων ἐνθυμήθητε διὰ τὰ ἄν ποτὲ ὁ πατὴρ, ἐπερ ἡ μὲν ἐμὴ μήτηρ μη ἢν ἐγγυνητῇ μηδ' ἤνεγκατο προῖκα, ἢ δὲ τούτων ἤνεγκατο, τούτους μὲν οὐκ ἔφη αὐτοῦ νεῖς εἶναι, ἐμὲ δὲ καὶ ἐποιεῖτο καὶ ἐπαίδευεν; ὅτι νὴ Δ' ὣς οὗτοι φήσουσιν, ἐμοὶ χαριζόμενος καὶ τῇ ἐμῇ μητρί τούτους ἡτίμαζεν. ἀλλ' ἐκείνη μὲν ἕτι παῖδα μικρὸν ἐμὲ καταλυόμενα καὶ τὴν ἐπέλευσην, ἢ δὲ τούτων μήτηρ Πλαγγών καὶ πρότερον καὶ μετὰ ταῦτα εὐπρε-

*Bekk.* om. *Z cum Σ.*

eἰκὸς ἐστιν] An argument from the probabilities of the case, which is continued in §§ 26, 7. See on Or. 34 § 14.
aὐτοὺς] *Ipsos*; *they would themselves (i.e. out of their own property) have added to it.* As a mere accusative of the subject, the word would here be superfluous. Reiske proposed, and Schaefer approves, the insertion of ἄν before αὐτοὺς. Rather we should expect, in this case, ἀλλ' αὐτοὺς ἄν προσθέντας. But this cannot be necessary. (Goodwin's *Moods and Tenses* § 49, 2, note 3.) We know from §§ 6, 7, 19, that a talent was the dower the lady brought both to her first and to her second husband. Hence it does not appear that the brothers really increased the dower, though they may have given her presents beside. *καὶ οἱ ἄλλοι*] See § 19.

*Bekk.* tovs *Z cum Σ.*

ceivable reason for my father adopting me and disowning my half-brothers was, that my mother was the lawfully affianced and dowered wife, while Plango was without fortune, and but a mistress. For it is not denied that his affection was rather bestowed on their mother; so that he would have preferred, as a matter of choice, to adopt her sons rather than myself, who was but an infant when my mother died.


27. *εὐπρεπῶς—οὖσα*. This clause explains the continuance of the connexion as well as the

§§ 26, 27. *The only con-
considerable time it had lasted; and it is a necessary part of the argument ἐκ τῶν εἰκότων. The elegance of the Greek and the cleverness of the reasoning here are alike admirable.—ἐπιθησίας, see § 8.

Τῆς τὴν ὄψιν ὑπὸσα ἐπιθησίας αὐτῷ ὡστε πολὺ μᾶλλον εἰκός ἦν αὐτὸν διὰ τὴν ξώσαν γνωαίκα, ἦς ἐρών ἐτύγχανε, τὸν τῆς τεθνεῶσης νῦν ἀτιμάζειν, ἢ δὲ ἐμὲ καὶ τὴν τετελευτηκών τοὺς ἐκ τῆς ξώσης καὶ πλησιαζούσης αὐτῷ παίδας μὴ ποιεῖσθαι. καὶ τοῦ ὅτ' εἰς τοῦτο τόλμησι ἤκου ὡστε φησί τὸν πατέρα μου 2817 δεκάτην ὑπὲρ αὐτοῦ ἐστιάσαι. καὶ περὶ τούτοι μόνον Τιμοκράτους καὶ Προμάχου ἐμβεβληται μαρτυρίας, οἱ οὔτε γένει προσκούσι οὗτον τῷ πατρὶ ὄυδεν οὔτε φίλοι ἤσαν ἐκεῖνο. οὔτω δὲ φανερῶς τὰ ψευδή μεμαρτυρή-

Βέκκ. ἐπιθησίας Ζ cum Στα. 1.

so acknowledged him as his son. But all of the judges are aware that he did this only from constraint, and because he was threatened with an action.

δεκάτην ἐστιάσαι] In Or. 39 § 22, it is δεκάτην ποιήσαι. [Cf. Isaeus iii § 70, ἐν τῇ δεκάτῃ τῇ ταύτῃ κληθέντες συνεστιάσαι. S.]

Τιμοκράτους] It has been proposed to identify this Timocrates with the person against whom Demosthenes delivered Or. 24. Arn. Schaefer, Dem. u. s. Zeit, iii 2, 218. S.]


ἐκεῖνῳ] Here also (see § 25) there is a slightly more demonstrative sense than αὐτῷ would bear. It is illi rather than ei.

A person absent, e.g. from death, becomes ἐκεῖνος as pointed to in the distance, as it were, as sup. § 25, inf. § 45, and Or. 39 § 33, ἤτοι δ' ἀαρεῖες ἐκεῖνω (sc. τῷ τετελευτηκότι) μὴ σκοπεῖν. So Or. 36 § 28, ἰωκράτης ὁ τραπεζήτης ἐκεῖνος, and 35 § 6, ὁ Δοφάντου νῦν, ἐκεῖνον τῷ Σφητίσθον. Perhaps we should so render τῶν ἐκεῖνον, ibid. § 4, 'the property of his deceased brother.'
kasiv ὡστε ὅν πάντων ύμῶν εἰδότων οὔτοσι δίκην λαχών ἀκούντα ἣνάγκασε ποιήσασθαι αὐτὸν, τούτων οὔτοι, ὡστερ κλητήρες, δύο μόνοι ὄντες μαρτυροῦσιν 29 δεκάτην ὑπέρ τούτου ἐστιάσατο. οἷς τίς ἂν ύμῶν πιστεύσεις; καὶ μὴν οὐδὲ ἐκείνῳ γε ἐιπέν ἀυτῷ ἐνδέχεται, ὅς μικρὸν μὲν ὄντα ἐποιεῖτο αὐτὸν ὁ πατὴρ, μεῖζω δὲ γενόμενων τῇ μητρὶ ὀργισθεῖς τι τῇ τούτων ἡτίμαζε πολὺ γάρ δήπου μᾶλλον εἰσόθαις, ἂν ἂν ἐν

Plat. Phaed. p. 89 A, πολλάκις θαυμάσας Ἑωράτῃν οὐ πῶτοσ μᾶλλον ἤγαγον ἤ τότε παραγενόμενος. τὸ μὲν οὖν ἔχειν ὅτι λέγοι ἐκεῖνοι, λέος οὖδὲν ἀπότομον. It is said that the North-western American Indians always speak of 'that dead man,' and think it unluckily to mention his name. So ἐκεῖ is often a euphemism for ἐν 'Ἄιδον. Young students are very apt to overlook this well-marked distinction. It may be stated as a rule, that neither ἐκεῖνος nor αὐτὸς ever means 'he,' though αὐτὸν regularly means 'him.' In fact, the Greek language has no way of expressing the simple object 'he, 'she,' 'it' (is, ea, id). In the N.T. the usage of ἐκεῖνος seems affected by the Latin idiom. When (as in § 29) ἐκεῖνο means, like illud, 'the following fact,' it really points to something not actually present, 'that other thing.' And hence olim, the locative of οἶτε, ολλε, ἱλλε, means 'at that other time,' i.e. either past or future.

δίκην λαχών See Or. 39 § 2.

ὡσπερ κλητήρες] 'Like witnesses to a summons, a pair of them only depose, &c.' Kennedy. 'Actori reum citanti duo sollemmodo κλητήρες (subscriberes) aderant. Hos igitur duos testes ait potius subscriptores quasi esse adversus Mantiam, quam ei testes adfuisset." Reiske. He contrasts the doubtful evidence of two persons only, Timocrates and Promachus, who not being friends or relations had no right to be present at the birth-feast, and who could have known little or nothing about the matter, with the notoriety of the transaction in the forced adoption of Boeotus. Cf. § 59.

29. οἷς τίς ἂν κ.τ.λ.] 'Is there any one who, &c.' For this formula, quibus nemo facile crediderit, see the note on Aesch. Suppl. 636. (P.)

πολὺ γὰρ μᾶλλον κ.τ.λ.] Boeotus pretends that he is obliged to account for that name having been given him; and he says it was given ὃβρει καὶ ἐπηρείᾳ τινί, Or. 39 § 32, and resulted from some quarrel of his father with Plango, whereas it was really the name of his uncle, Or. 39 § 32. The argument is the same, and very nearly also the words, as in Or. 39 § 23 [where, however, the inelegant reiteration of διὰ in the present passage, διενεχθοσ...διαλλάττεσθαι...διὰ τοὺς...διὰ τὰς, is partly avoided by the use of καταλλάττεσθαι; and the hiatus in γυνὴ καὶ ἄνὴρ obviated by the transposition ἄνηρ καὶ γυνὴ]. A. Schaefer, per-
haps hypercritically, regards the sentence before us as inferior in rhythm and elegance to the parallel in the former speech.  

Dem. u. s. Zeit, pp. 2226. S.]  

§§ 30, 31. He will try to account for the suit (his claim to the dowry) being given against him by the arbitrator, by saying that he was not fully prepared with his case. But he had time enough; and he was the plain-tiff, not the defendant, who might rather plead 'unpreparedness.' Besides, why did he not appeal, if he thought the verdict was wrong?

ἀν δὲ λέγῃ ‘Should he go on to talk about the actions,' &c. See §§ 16, 17.

οὐκ ὀλίγος χρόνος] Between the first arbitration, which ended abruptly by the death of the arbitrator Solon, and the second, there had intervened ample time, χρόνος συχνός, § 16.  

31. παρὼν αὐτὸς] § 17, πα- ῥόντος τούτου καὶ ἀντιδικοῦντος.  

ἀδικεῖσθαι] viz. by a wrong decision of a public arbitrator. —ἐφιάσαν, bring the matter by appeal before the Heliaea.  

tαύτῃ] sc. τῇ διαίτῃ. ‘If he nevertheless abided by, or acquiesced in it, though, according to his own account, it was unjustly given against him.'  

§§ 32, 33. He will tell you, forsooth, that he was not fond of going to law. But it is not so; he showed towards me a temper very different from your forgiving dispositions; he ac-tually took advantage of some
blows that passed between us in a quarrel, and made a cut on his own head in order to make out a case against me before the Areopagus, of wounding with intent to kill! But for the confession of the doctor who was asked, but refused, to lance him, I might have been transported for life.

νη Δ', ἀπράγμων ... καλ οὖ πιλόδικος] 'Oh! to be sure, he is not a man of business and far from litigious!' Prof. Kennedy. Cf. Or. 42 § 12, μετρίου καὶ ἀπράγμων πολίτου μὴ εὐθὺς ἐπὶ κεφαλὴν εἰς τὸ δικαστήριον βαδίζειν, 36 § 53, 54 § 24. S.] νυνὶ δὲ] 'But as the case is,' φυγαδεύσαι] Perhaps this fact is not elsewhere recorded. "The sons, even of such among the Thirty as did not return, were allowed to remain at Athens, and enjoy their rights of citizens unmolested; a moderation rare in Grecian political warfare." Grote, H. G. chap. 66, vi p. 4 (where the present passage only is referred to). It would seem that, after the defeat of the Thirty by Thrasybulus near the Piraeus, b. c. 403, and the peace made by Pausanias, a compromise was made between the oligarchical and democratical parties, since the greater part of the wealthy citizens (the 3000, as they are called) were more or less concerned with and implicated in the tyranny of the Thirty. Cf. § 46, πρὸν τοὺς ἐπὶ τῆς ὀλιγαρχίας πολλῶν τῶν πολιτῶν ἀκρότους ἀποκτείναντας διαλαγέντες. Andocides, de mysteriis, § 90.

συναψάμενοι] 'Having concerted a quarrel that should end in blows.' (He 'contrived from words to come to blows.' C. R. Kennedy. 'Managed to get up a fight.' Middle of 'indirect agency.' Prof. Kennedy.) Or perhaps = πλασάμενος, 'having invented a story about blows having been given in consequence of a quarrel.' Wolf inclines to the latter, G. H. Schaefer to the former interpretation; and it is not very easy to decide between them. (Cf. Or. 54 § 19, κατὰ μικρὸν ὑπάγεσθαι ἐκ μὲν λοιπόν εἰς πληγάς, ἐκ δὲ πληγῶν εἰς τραύματα.) The plan evidently was, to get up a case against Mantitheus by provok-
ing a quarrel, and to procure his banishment, so as to leave the ground clear for the defendant, if not to get possession of a part of his property.

επιεμών] As εντέμενον, incidere, is 'to make a cut in,' so επιεμών is 'to make a cut on.' The difference, though slight, is real, the latter referring only to a superficial cut. In the present case, the man made an incision on the scalp, pretending to have been wounded by his adversary.

τραύματος] 'Cutting and maiming.' 'Wounding with intent to kill.' For the genitive cf. Ar. Vesp. 1406, προσκαλοῦμαι σ', ὡστὶ εἰ, πρὸς τοὺς ἀγορανόμους βλάβης τῶν φορτίων, where there is probably an ellipse of δίκην, though all words of this kind, like ἐγκαλεῖν, ἀμφισβητεῖν, &c., have a tendency to take the genitive.

§§ 34, 35. The bringing of so serious a charge against me shows his malignant intentions.

**MARTYRIAI.**

Τούτον μὲν τοίνυν οὕτως μέγαν καὶ φοβερὸν ἀγῶ- 34

*Bekker 1824. om. Ζ et Bekker. st. cum Σ.*

inoffens, 'without my having wronged him.' Here μὴ is used, not ό, by a lax usage, or perhaps the clause is affected by the hypothetical notion, 'he would have got me punished even when I had done no wrong.' Bekker and the Zürich editors read μηδὲν with the mss instead of the vulg. οὐδὲν, which G. H. Schaefer prefers. And in itself οὐδὲν is correct, as asserting the present consciousness of innocence as a fact.

διαβάλλειν] 'To be misrepresenting him,' 'to be saying what is untrue of him.' A favourite verb with the Greeks, for which the Romans had no precise equivalent, calumniari being hardly used in this sense. So διαβολάι is often used of false impressions or ill-feelings resulting from slander, e.g. Plat. Apol. p. 18. In Phaed. p. 67 ε διαβάλλειν has its original sense of putting two persons or things at variance with each other.

§§ 34, 35. The bringing of so serious a charge against me shows his malignant intentions.
On another occasion, when I had been elected to a public office, he claimed it as being the Mantitheus who had obtained the show of hands. This and other vexatious proceedings compelled me to bring my former action against him, and to insist that he should retain his right name, which is Boeotus.

οὐχ ὡς εὐήθης] 'Not as a simpleton,' who might foolishly suppose that a blow received in a quarrel would be visited by a serious penalty. Mr Mayor thinks the word refers to ἀπάγμων in § 32. Kennedy is scarcely correct in translating 'not as a good-natured person.' 'This great and formidable contest he got up against me, not as a man of simple character, but as a plotter and a villain.' Prof. Kennedy. —κατεσκεύασεν, this is said in reference to ἀπαράσκευον in § 30.

μετὰ ταῦτα] The action just described would seem to have been brought when he was but a boy. See Or. 39 § 5, συμβάσεις τῷ πατρὶ τελευτῆς πρὶν τάς εἰς τοὺς δημότας ἐγγραφᾶς γενέσθαι. It appears therefore clear that enrolment even in the phratriae conferred the rights of a citizen, so far as to justify the bringing of a suit.

tοῦ αὐτοῦ πατρὸς καὶ δήμου] See Or. 39 §§ 4 and 9.

ἀνάδικον] 'To be tried over again.' He alludes to the transaction before the two arbitrating, §§ 16, 17. By saying that his name was Mantitheus in the city-books, he made null and void a verdict given against Boeotus. The adjective is of rare occurrence. Inf. §§ 40 and 42. Or. 24 (κατὰ Τιμοκρ.) § 191, καὶ τὴν μεθ' ὅρκου καὶ λόγου καὶ κρίσεως ψῆφων ἐνηνεγμένην ἀνάδικον καβιστησαν. Hesych. ἀνάδικον οὐτως ἐλέγχοτο δίκαι ἀκεπαλαι (i.e. de integro, or re integra) ἐγκαινιάταμενα, ἢτοι διὰ πολιτικὴν αἰτίαν, ἢ τῶν μαρτύρων ἀλάντων ψευδοκατηγόρων. Kennedy (Append. ix p. 394) renders it 'a reversal of a judgment.'

ταξιάρχον] In Or. 39 § 10 this office is not included in the hypothetical cases given of honours conferred by the state and claimed by another under a false name; but it is mentioned ib. § 17. As this particular case had really occurred, it is omitted in the former enumeration. A preliminary examination, probably of a per-
1019 μασθησόμενος, δίκην δὲ ἐξοῦλης ὕφληκώς ταύτην οὐκ αὐτὸς ὕφληκέναι φησίν, ἀλλ’ ἐμε. ὡς δὲ ἐν κεφαλαίῳ 35 εἰπεῖν, κακά μοι παρέχων ἣνάγκασε με λαχεῖν αὐτῷ δίκην περὶ τοῦ ὕνόματος, οὐχ οἷα χρήματα παρ’ αὐτοῦ λάβω, ὦ ἀνδρεῖς δικασταί, ἀλλ’ ἵν, ἕαν υμών δοκῶ δεινὰ πάσχειν καὶ βλάπτεσθαι μεγάλα, οὕτως καλὴται Βοιωτῶς, ὥσπερ ὁ πατὴρ αὐτῷ ἔθετο. ὅτι τοῖνυν ἀληθῆ καὶ ταύτα λέγω, λαβέ μοι καὶ τὰς περὶ τούτων μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

Πρὸς τούτοις τοῖνυν καὶ ὅτι ἐγὼ στρατευόμενος καὶ 36 μετὰ Ἀμεινίου ξενολογήσας, ἀλλοθέν τε χρήματα εὑ-

son’s political status, freedom from debts, &c., had to be passed before he was formally installed in such an office, just as he was liable to the εὑρίσκω after holding it. [Meier and Schömann, Att. Process pp. 200—14. Hermann, Staatsalt. § 149. S.] δίκην ἐξοῦλης] See Or. 39 § 15. 35. οὐχ [ἰνα κ.τ.λ.] Boeotus would say that it was done merely to secure the dower of my mother, he having before evaded payment on the plea of having another name, § 18. This is why the subjunctive is used, and not λάβωμαι, referring only to the past intention.

καλὴται] 'That the defendant may go on being called Boeotus.'

§§ 36, 37. Another unjust action he brought against me when I was on military service and raising money and recruits. He charged me with having extorted a sum of money from the state of Mytilene, and this he did in the interest of the then tyrant, and pretended it was a debt due to my father which I had made them pay.

καὶ ὅτι (unless we should read ὅτε, which seems more natural) means 'on the charge that,' and is taken up by περὶ τούτων μοι δικαζέται, below. [εὑρόρησας is not joined with ξενολογήσας but is an explanatory participle. 'Just because, being on military service and having recruited mercenaries with A. (inasmuch as I was well provided with money and had received, &c.), I spent that sum upon those recruits, in order that, &c., he actually brings a suit against me on this score.' Prof. Kennedy.] μετὰ Ἀμεινίου] He seems to have been a strategus at the time; and perhaps (as the duty of a taxarch was to raise troops, and draw up the military kataλογος), Mantitheus then accompanied him as such. [A. Schaefer, Dem. iii 2, 224, calls him 'an enemy of Athens.' Nothing is known about him. S.]

εὑρόρησα χρήματα] 'To raise
money’ (an expression not strictly correct) must be distinguished from εὑπορείν χρήματων, ‘to have ready-money at command.’ Cf. Or. 33 § 6, πράκοντα δὲ μνᾶς ἔδειξεν μοι οὖν συνενπορῆσαι, and 36 § 57.


στατήρας Φωκαίς Boeckli (Publ. Econ. p. 23), quoting this passage, says, “the Phocaic stater occurs, both in inscriptions and in writers, as coined money; nor can it be supposed that silver pieces are meant, as the idea of a gold coin is inseparably associated with the name of a Phocaic stater. Its weight is unknown; it passed however as the least valuable gold coin.” Thucyd., rv 52, speaks of certain Mitylenean exiles having seized Rhoeotem, and restored it on the receipt of ‘two thousand Phocaic staters.’ Prof. Churchill Babington (Catalogue of Leake Greek Coins, &c. p. 23) describes No. 70 as a “stater of electrum, or pale gold, of Phocaean,” and adds “The Phocaean staters are now among the rarest of Greek coins; they are of purer gold and about six grains heavier than the Cyzicene staters.” See Plate of Coins.

‘In order that some action might be performed to your and their advantage.’ Kennedy.

37. The form χρῆως, for the more usual χρῆως, is recognised by Hesychius. The use of πατρικόν (as in πατρική ἐξήρα, Basileia Thuc. i 13), and not πατρῷον (as in πατρῷον σκῆπτρον, πατρῷα χρήματα, &c.), is to be noticed.

Κάμμη] We hear nothing more of this ruler of Mytilene, nor of the date when he established himself as tyrant. We know however that in b.c. 351 Mytilene was no longer under a democracy, and that in b.c. 347—6 it was restored to the protection and alliance of Athens. These dates point to the beginning of b.c. 347, as probably the latest date for the delivery of the speech. A. Schaefer, Dem. u. s. Z. iii 2, 224. S.] Mr Mayor remarks (p. 245), “The circumstances referred to are obscure.—I should suppose that Boeotus charges Mantitheus with having recovered money due to his father in Mytilene, in order that he, Boeotus, may claim a share of it, which of course he could not do if it were money supplied by Apollonidas and other friends of Athens for the purpose of levying a force against the tyrant. Such a demand might
be represented as helping Cammes against the Athenians."

υπηρετῶν] To rouse the anger of Cammes against both Mantitheus and the Athenians, Boeotus told him that the debt had been extorted from his citizens, under the plea of its being due to the father, in order to aid and abet the popular side in the στάσις against him.

δωρεάν] This would seem to have been a vote of money for some services performed to the state by Mantias when ποιησεν-μενος, Or. 39 § 8.

τῶν υπερτέρων φίλων] Your political friends, i.e. not of the party of Cammes.

38. Want of time compels me to pass over other instances of his malice; but I have shown proofs enough that he was not the man to go unprepared into any suit against me.

ψωρ] note on Or. 54 § 36.

ἀγώνα περὶ φυγῆς] § 32 fin.

—ἀπαράσκευον, § 30 fin.

πρὸς δὲ τὸν κ.τ.λ.] See sup. 11. §§ 39, 40. He will tell you, that he made me an offer to settle all the matters under dispute by arbitration. Why, an arbitration had been given, and more than once, in my favour. What motive could I have for disturbing the decision by appealing to another? It is by his insisting on an arbitrator's award that he holds all his present privileges.
γὰρ περὶ μὲν ὅν αἱ δίκαιοι οὐπω τέλος εἶχον, ἐτοιμὸς ἦν ἐπιτρέπειν καὶ Κόνων καὶ ἄλλω διαιτητὴν ἑσο, ἵτω οὗτω θεμελείτω περὶ δὲ ἄν τρὶς πρὸς τῶν διαιτητῆς ἀπαντῆσαντος τοῦτοι καὶ ἀντιδικούντος ὁ μὲν διαιτητὴς ἀπέγνω μοι, οὗτος δὲ τοῖς γυνωσθέειν ἐνέμενεν, ὡς καὶ ὑμῖν μεμαρτύρηται, οὐκ ὄμφαν δίκαιον εἶναι 40 ταῦτα πάλιν ἀνάδικα γίγνεσθαι· τὸ γὰρ ἂν ἦν πέρας ἡμῖν τοῦ διαλυθῆναι, εἰ τὰ κατὰ τοὺς νόμους διαιτηθέντα λύσας ἐτέρω διαιτητὴν ἐπέτρεψα περὶ τῶν αὐτῶν ἐγκλημάτων, ἄλλωσ τε καὶ ἀκριβῶς εἰδές ὅτι, εἰ καὶ πρὸς τοὺς ἄλλους μὴ ἐπιεικές ἑστὶ ταῖς διαιταῖς ἱσχυρίζεσθαι, πρὸς γε τοῦτον ἀπάντησον δικαιότατον ἦν οὕτω 41 προσφέρεσθαι. φέρε γὰρ, εἰ τίς αὐτῶν ξενίας γράφατο λέγων ὡς διομυνέμενος ὁ πατὴρ οὐκ ἐφι τοῦτον ὕιν

οὗτω τέλος εἶχον] 'Which had received no judicial determination.' Kennedy.

Κόνων] The grandson of the well-known general of that name.

ἕ] 'Impartial.' Or. 55 §§ 9, 35.

τρίς] This does not clearly appear from the account in §§ 16, 17. One of the three cases meant may have been that before Xenippus, § 44.

40. τί γάρ ἂν ἦν πέρας κ.τ.λ.) 'What definitive settlement could we ever have come to, if I had set aside an award pronounced according to law, and referred the same causes of action to another arbitrator? especially when I knew so well, that, even if it is not equitable to insist on awards against other people, it is perfectly fair to deal in such a way with Boeotus.' Kennedy.

πέρας τοῦ διαλυθῆναι] 'Final settlement,' 'conclusion of our difference,' lit. 'termination consisting of reconciliation.'

For this 'genitive of apposition,' in prose mainly confined to the gen. of the infinitive, cf. Hom. II. iii 309, θανάτου τέλος, and Thuc. vii 42, πέρας τοῦ ἀπαλαγῆναι τοῦ κινδύνου. Kühner, Gk. Gr. § 402 d. S.]—ἰσχυρίζεσθαι, i.e. ἐμμέενει.—προσφέρεσθαι, 'to behave towards,' 'to deal with.' Plat. Theaet. p. 151 c, προσφέρον οὖν πρὸς μὲ ὡς πρὸς μαίας ὕιν καὶ αὐτῶν μαυευτικῶν. Or. 54 (Νικοστρ. 28) εἰπερ ἐβούλουντο δικαίως προσφέρεσθαι πρὸς ὕιας.

§ 41. Suppose that some one were to bring an action of ξενία (alien birth) against him; what could he plead, but that he had been made a citizen by an arbitrator's decision?

ξενιᾶς] See Or. 39 § 18.

dιομυνέμενος] There is an allusion to the double oath of both plaintiff and defendant, called διώμοσια. But the meaning here is merely 'on his oath.'


... Orators (esp. Isocrates) often prefer διότι to ὅτι when a hiatus is thereby avoided. Isocr. Paneg. § 48 n. S.]


42. κατὰ γνώσιν] 'Through the decision.' It is a peculiarity of the middle Attic to use κατὰ, 'in accordance with,' quite as a synonym of διὰ, 'because of.' Thus, the Attics say κατὰ πί ἦλθες; 'Why have you come?' &c.

Any one of the three prepositions κατὰ, διὰ, or παρὰ πενίαν may be used to signify 'through poverty,' and κατὰ more often bears this meaning than is commonly supposed. Mr Wayte on Timocr. § 32 seems not to have noticed this.

[άξιον κ.τ.λ.] Construe αξίον ὅτι δικαίος γρήγεσθαι, ἀς ἐγὼ τοῦτον ἀπέφυγον, κ.τ.λ. 'In seeking to reverse a judgment against his own claim, which I obtained against him after appearance and argument, and in which he has acquiesced.' Kennedy. See §§ 19, 84.

[τὴν τούτων γνώμην] Contemptuously, 'his judgment, forsooth, of what is right.'

§§ 43, 44. So crafty is he, that when he made me an offer to go to an arbitrator, it was only done to set aside a former decision and go to law with me again, as he has been doing for years past.

[ἐπιτρέπειν] sc. Κόρων, § 39. λύσας κ.τ.λ.] 'Setting aside
44 με συνοφαντῇ καὶ τὴν δίκην ταύτην ἐκκρούη. τεκμήριον δὲ τούτον μέγιστον ὦτε γάρ τὴν πρόκλησιν ἐδέχετο, ἢν ἐγὼ κατὰ τοὺς νόμους προκαλούμην αὐτὸν, πρότερον τε Ξενίππω, ὅν οὖτος προβαλέτο διαιτητὴν, ἐπιτρέψαντος μου περὶ τῆς τοῦ ὀνόματος δίκης, ἀπηγόρευσεν αὐτῷ μὴ διαιτάν. ὅτι δὲ καὶ ταύτ' ἀληθὴ λέγω, ἐκ τῆς μαρτυρίας καὶ τῆς προκλήσεως εἶσεσθε.

ΜΑΡΤΥΡΙΑ. ΠΡΟΚΛΗΣΙΣ.

45 Ταύτην τοῖνυν τὴν πρόκλησιν οὐ δεξάμενος, ἀλλ' ἐνεδρεύων με καὶ τὴν δίκην ὅτι πλείστον χρόνον ἐκ-κρούειν βουλόμενος, κατηγορήσει, ὡς ἐγὼ πυνθανο-μαί, οὐ μόνον ἐμοῦ, ἀλλὰ καὶ τοῦ πατρὸς, λέγων ὥς ἐκείνος ἐμοὶ χαριζόμενος πολλὰ τούτον ἡδίκησεν. ὡμεῖς δ', ὥς ἀνδρες δικασταί, μάλιστα μὲν, ὡσπερ αὐτοὶ ὑπὲρ ἀν ἀξιώσατε κακῶς ἀκούειν ὕπὸ τῶν ὑμετέρων παῖ-

the judgment of non-suit pronounced for me by the arbitrator.' Kennedy.

44. προβαλέτο] 'Had proposed,' 'had put forward.'

ἀπαγόρευσεν] 'He gave him notice not to pronounce the award.' Perhaps this means, that he would not hold himself bound by his decision; or, perhaps, he sent him a notice that he did not accept him as arbitrator. [On this form, for which ἀπείπεν is commonly used, see note on Or. 55 § 4. S.]

§§ 45, 46. Not only has he done his best, by these delays and repeated actions, to injure me, but he intends to throw insult on the memory of his own father by saying that he acted unfairly and partially towards me. But it would be strange if citizens who made

an amnesty and have kept it with the Thirty Tyrants, after all their cruelty, should allow the defendant to speak ill of the father with whom he was reconciled in his lifetime, and for whom he got so much more than ever he deserved.

ἐκείνος] Like ἐκεῖνον in § 46 fin., used of one deceased; see on § 28.

μάλιστα μὲν κ.τ.λ.] Answered by ἃν δ' ἀρα in § 47, and taken up or repeated by μάλιστα μὲν in the beginning of that paragraph.—βλασφημεῖν, 'to use bad words.' A favourite term with Demosthenes, and used in a very general sense, without regard to the irreligious import which it now bears after the earlier Greek use, e.g. in Eur. Ion 1189.
δων, αὐτῷ μηδὲ τούτῳ ἐπιτρέπετε περὶ τοῦ πατρὸς
βλασφημεῖν καὶ γὰρ ἂν εἶνει δεινὸν εἰ αὐτοὶ μὲν πρὸς 46
tοὺς ἐπὶ τῆς ὀλυγαρχίας πολλοὺς τῶν πολιτῶν ἄκρι-
tους ἀποκτείνας διαλλαγέντες ἐμένετε ταῖς ὀμο-
λογίαις, ὡσπερ χρῆ τοὺς καλοὺς κἀκακοὺς ἄνδρας,
tούτῳ δὲ πρὸς τὸν πατέρα ζώντα καὶ διαλυθέντι καὶ
πολλὰ παρὰ τὸ δίκαιον πλεονεκτῆσαντι ὑπὸ μυθισκα-
κεῖν ἐπιτρέψετε καὶ κακῶς λέγειν ἐκείνουν. μηδαμῶς, 47
ὡ ἄνδρες δικασταί, ἀλλὰ μάλιστα μὲν κωλύει ταῦτα
τοιεῖν, ἀν δὲ ἄρα βίαζηται ύμᾶς καὶ λοιδορήται,
ἐνθυμεῖσθ' ὅτι αὐτὸς ἑαυτοῦ καταμαρτυρεῖ μὴ ἐξ
ἐκείνου γεγενήσθαι. οἱ μὲν γὰρ φύσει παῖδες ὑπότες,
κἂν πρὸς ζώντας τοὺς πατέρας διενεχθῶσιν, ἀλλ' ὑπὸν
tελευτήσαντάς γε ἀὐτοὺς ἐπαινοῦσιν οἱ δὲ νομιζό-
μενοι μὲν νιέσ, μὴ ὑπότες δὲ γένει ἐξ ἐκείνουν, βαδίως

* Bekk. om. Z cum FΣΦΒ.

46. αὐτοὶ μὲν—τοῦτῳ δὲ] See sup. § 32. The sentence is an-
tithetical in several points: ‘you forgave and still forgive
the men who grievously injured the state and your own families;
he made up his quarrel with his father, and though he was
benefited by him in life, he assayls his memory again when
death.' These constructions are an essential feature of Greek
rhetoric; but they are quite alien from both our language
and our idioms.

μυθισκακεῖν] ‘To rip open
the quarrel and calumniate
him.' Kennedy. But ἐκείνον
might better have been render-
ed (see § 28) ‘that worthy man.'
But there is a sort of antithesis
with ζώντα which points rather
to the sense ‘now that he is no
more.'

§ 47. If he persists in his
unseemly language against his
father, observe that he is merely
giving a proof that he is not
really his son; for true sons,
even if they quarrel in life-
time, speak with respect of
their father's memory, while
putative sons have no such
scruples.

βιáζηται κ.π.λ.!] ‘If he should
persist in acting in defiance
of your wishes and speaking
evil of his father.' Kennedy
is here not quite correct, ‘if he
abuse my father in spite of
you.' Compare the force of
καλῆται in § 35. Properly,
βιάζεσθαι is 'to play the bully,'
and the construction is τινά
ti, as in Aesch. Theb. 1045,
ἄνδρον πῶς σὲ μὴ βιάζεσθαι τάδε.
ἀλλ' οὖν—γε] At saltēm. See
Or. 39 § 34.—βαδίως, ἀδιάφρως,
'without any concern;' 'they
think nothing of quarrelling
with them while they are alive,' &c.

§§ 48, 49. Besides, how inconsistent to talk of my father's failings, when those very failings procured him the rights of citizenship! Though I myself have lost two-thirds of my property through his mother Plango, still I say not a word against her; and yet he abuses in your hearing the father who was compelled to adopt him, and by whom therefore he has actually been benefited.

[τά ἐκείνων ἀμαρτήματα] There is a play on the double sense of ἀμαρτεύν, which is often used as a euphemism for the frailties of love. See Eur. Hipp. 464. Suppl. 900.

[τά δύο μέρη] Boeotus and his brother Pamphilus had got two-thirds, Mantitheus only one-third, Or. 39 § 6.

49. ψέγων] 'Disparaging,'—the exact meaning of the word. It differs from μέφεσθαι, the former implying the expression of dislike or contempt, the latter the feeling of dissatisfaction, though it so often has the secondary sense of 'to blame.'

[τῶν νόμων κ.τ.λ.] The law of Draco, γονεῖς τιμᾶν, would seem to have been so far extended that an action for κάκηγορα could be brought by any one whose father's memory had been unjustly aspersed. [Dem. Or. 20 § 104; Plutarch, Solon, 21; and Lexicon Rhet. Cantab. εἶν τός κακώς εἶπη τινά τῶν κατοιχομένων, κἂν ὕπο τῶν ἐκείνων παῖδων ἀκούσῃ κακώς, ὥσπερ τῷ δημοσίῳ. S.]

[ἀγανακτεῖν] i. e. to show his resentment by proceeding against him. Construe ἐβλασφήμει περὶ αὐτοῦ.
In reply to his assertion, that I was brought up in all the comforts and luxuries of home, while he was but a poor outcast, I have to observe that his mother Plango was a most extravagant woman, and that more of my father’s property was spent on her and her son than upon my education. So that on that score he is a debtor to me rather than I to him. Great expenses too I incurred in other transactions in the benefit of which he had a share.

§§ 50—2. In her own house, which was separate from that of Mantias.—τούτους, Boeotus and his brother Pamphilus.

χορηγών—έξουσα] ‘Having my father to furnish the means,’ Kennedy. Shilleto quotes this with other examples of the use, on De Fals. Leg. p. 408, § 238. Similarly χορηγείν and χορηγία were used of supplies in general, by Aristotle and later writers.—[e.g. Ethics 10 § 15 τούς ἐκτὸς ἀγαθοῖς ἰκανῶς κεχορηγημένον and 1 § 15 οὐ βάδιον τὰ καλὰ πράττειν ἀρχηγητον ὅστα (‘without applications’); also in the Greek Testament, 2 Cor. ix 10, 1 Pet. iv 11, 2 Pet. i 5 and 11. The word λειτουργία has a similar history. S.].—υπό, i.e. διὰ τὴν ἐπιθυμίαν.

οὐκ ἵσα ἐμοί] sc. ἀλλὰ πλείω ἐμοῦ.

tούτως ἐγκαλείν] viz. τῆς προικός. I had more reason to demand from them payment of what was due from my mother, than they had to set up a counter claim to Plango’s alleged property; since through Plango’s influence with my
father they had so much more spent upon them.

52. μετάλλων] See 37 § 5. This was a speculation, of course; he does not say that it did not answer, but only that he had to pay for it, i.e. to the state, probably. Cf. Ar. Equit. 361, where Cleon says:

άλλα σχεδιάς εδοθόκως ωνήσομαι μετάλλα,

and see Boeckh, Dissert. p. 650.

πρὸς τούτους ἐνειμάμην] ‘I shared the mines with them, while the whole sum borrowed I had to pay myself.’ Cf. Or. 39 § 6, and 36 § 10.

eἰς τὴν τοῦ πατρὸς ταφῆν] For examples of the large expenses incurred in this filial duty, see Boeckh, Publ. Ec. p. 114.

идιὰ] ‘On my own account,’ viz. without their being in any way liable for it. To be construed, perhaps, with both the participle and the verb. Kennedy translates, ‘and I have paid them out of my own pocket.’

§§ 53, 54. With all these advantages on his side, his complaints against my unfairness are not to be listened to. He is just the man to make random assertions without proving them, and to assume that you know what he says is true. Ask him, then, for his proofs, and don’t let him shirk the truth by such pretences. Let him follow my example; for I produced witnesses to prove even what really was notorious—the way in which my father was compelled to adopt him.

ἐλαστουόθ&algrta; τη] ‘To get (or consent to take) less than one’s due;’ ‘to come off second best in a bargain.’ Thuc. i 77, καὶ ἐλασσούμενοι γάρ ἐν ταῖς ἐξαισιολογίαι πρὸς τούς εὐμμαχίους δίκαιος—φιλοδίκειν δοκούμεν. Hence Aristotle’s ἐλαστωτικός, one who is disposed not to press his full claims, but take somewhat less, opposed to ἀκριβοδικαιος. See Or. 56 § 14.


devinopathōn] The only passage in which the word is found in the Attic orators. S.]


54. μηδὲ—νομιζέτω] 'Let him think that his neighbour does not know it either.'

ἀλλ' ἀξιώτω] 'No! let him require the defendant to prove clearly whatever he may assert, and not to shirk the truth by saying that you know things about which he will not himself be able to bring forward any fair plea.'

ὑποδίκους] 'Responsible for their testimony,' Kennedy. Lit. 'under penalty of being tried for ψευδομαρτυρία, or perjury.' The Ionic passive perfect of παράσχειν is used in the medial sense. It is formed regularly as if from παρασκέω, a secondary present of παράσχειν. See Or. 39 § 15, and 56 § 39.

55. 56. Boeotus and his brother have this further advantage over me, that they can appeal against an arbitrator's sentence, whereas the decision of the jury against me will be
final. And while I have no other hope of portioning my daughter except through your verdict, these men will lose nothing by having to pay, since the house-property they hold has the charge on it of paying the dowry I claim.

ἀποδιαιτήσατο μου] 'To have given the decision in my favour.' See sup. § 17. There was an appeal (ἐφέσις) from a public arbitrator; but a case once tried and decided by a jury could not be tried again. As this was across-suit, each claiming something from the other, Boeotus' suit would be still open, even if Mantitheus' had been given against him.

ἐγκαταλείπτει] A synonym of ἐξεσταὶ.

ἐν ύμῖν] See 39 § 1.

56. ἐγκαταλείπτειν. Probably it here means, 'if you should leave (have left) me in the hands of the enemy,' So Arist. Eth. Nic. v 4, εἴ ἐγκατέλειπτο τὸν παραστάτην (ἡ ἐπαναφορά) ἐπὶ δείκνυαν. Thuc. iv 44, ἑκοτεύτους τούς ἑαυτὸν νεκροὺς πλὴρον δυναμοὺς, οὕτως ἐγκατέλειπτον οὐ δυνάμενοι εὑρεῖν. Plat. Symp. p. 179 Α, ἐγκαταλείπτειν τὰ παιδικὰ ἣ μὴ βοηθήσαι κινδυνεύοντι. Hesiod (Ἑργ. 378) applies it to one who dies with an heir to succeed him, γνησίως δὲ θάνους ἔτετοι παιδεῖ ἐγκαταλείπτοι, and so Plato (Symp. p. 208 b), Kennedy is not quite exact in rendering it 'if you abandon me.'


 tü ἡλικιαν αὐτῆς] 'Her size,' staturam, G. H. Schaefer. For Mantitheus had married at 18, sup. § 12.

ἐξελιόμεθα] ἐξαλφετον ἐποιησά-
τῆς προικὸς, οἰκούντες δ' αὐτήν οὖτοι μόνοι διατελοῦσιν. οὔτε γὰρ ἀρμόττει μοι θυγατέρα ἐπιγαμὸν ἔχοντι οἰκεῖν 57 μετὰ τοιούτων, οὐ γὰρ μόνον αὐτοὶ ἀσέλγος, ἁλλὰ καὶ ὁμοίως αὐτοῖς ἐτέρους πολλοὺς εἰς τὴν οἰκίαν ἐσάγουσιν, οὔτε μὰ τὸν Δί' ἁσφαλὲς εἶναι μοι νομίζω συζῆν τούτως ἐν τῷ αὐτῷ ὅπου γὰρ οὔτω φανερῶς μοι ἐπιβουλεύσαντες εἰς Ἀρείου πάγου ἁγώνα κατεσκέυασαν, τίνος ἂν οὖτοι ἢ φαρμακείας ἢ ἄλλης κακούργησας τοιαύτης ὑμῖν ἀποσχέσθαι δοκοῦσιν; οὐ 58 γε πρὸς τοὺς ἄλλους (ἀρτίως γὰρ καὶ τοῦτο ἄνεμνήσθη) εἰς τοσαύτην ὑπερβολὴν τόλμην ἥκουσιν ὡς τε καὶ Κρίτωνος μαρτυριὰς ἐνεβάλωντο ὡς ἐώνηται τὸ τρίτον παρ' ἐμοῦ μέρος τῆς οἰκίας, ήν, ὅτι ψευδῆς ἐστιν, ῥαδίως εἰσέσθε. πρῶτον μὲν γὰρ οὖν οὖτω μετρίως ξῆriot δΠίτων ὡς τε παρ' ἐτέρου οἰκίαν ὠνεισθαί, ἄλλ' οὖτω πολυτελῶς καὶ ἀσώτως ὡς τε πρὸς τοὺς ἑαυτοῦ καὶ τὰ τῶν ἄλλων ἀναλίσκειν ἐπεστ' οὐ μαρτυρεῖ τοῦτῳ νῦν, ἄλλ' ἐμοὶ ἀντιδικεῖ τίς γὰρ ὑμῶν

† Bekk. om. Z εἰς τιμ. Σ.

‡ τίνος οὖτοι ἢ φαρμακείας ἢν ἢ (ἆλλη Σ) κακούργησας τοιαύτης ὑμῖν ἀποσχέσθαι δοκοῦσιν coniecit Sauppe.

§ 57. The reason why Boeo-
tus is allowed to occupy the house is, that my daughter cannot be allowed to live with such a set. Indeed, I do not consider my own life safe in the hands of such conspirators.

§ 58. Among other falsehoods they have put in an affidavit that a third (i.e. my own) part of the house-property has been sold to Crito. As if such an extravagant fellow was likely to have money for the purchase! Besides, Crito is not so much a witness for the defendant as an opponent of mine, as an interested party.

ἀρτίως γὰρ] This is said as a sort of apology for introducing a new matter, and one in fact alien to the subject.

ἀναλίσκειν] ‘Is in the habit of spending.’
οὐκ ὁδεύν ὅτι μάρτυρες μὲν εἰσὶν οὕτω, οἰς μηδὲν μέτεστι τοῦ πράγματος, περὶ οὗ ἡ δίκη ἐστίν, ἀντὶ-δίκαιοι δ' οἱ κοινοὶ νοῦντες τῶν πραγμάτων, περὶ ὧν ἂν 59 δικάζῃται τις αὐτοῖς; ὁ Κρίτωνι σμβέβηκεν. ἔτι δὲ τοσοῦτον ὑμῶν ὄντων, ὃ ἄνδρες δικασταί, καὶ τῶν ἄλλων Ἀθηναίων πολλῶν, ἄλλος μὲν οὐδεὶς αὐτῷ παραγενέσθαι μεμαρτύρηκε, Τιμοκράτης δὲ μόνος, ὁσπερ ἀπὸ μηχανῆς, μαρτυρεῖ μὲν δεκάτην ἐστιάσαι τούτῳ 1026 τὸν ἔμων πατέρα, ἥλικιωτὴν ὃν τοῦ νυνι φεύγοντος τὴν δίκην, φησί δὲ πάνθ' ἀπλῶς εἰδέναι ἀ δῇ τούτως

§§ 59—61. The evidence of Timocrates has been adduced to prove that my father acknowledged Boeotus as his son when an infant ten days old! Why, Timocrates was then only of that age himself; and his evidence is all one-sided. Who then will believe him when he says he knows that Crito bought the house? After all, it is not the house, but the dower, that is contested. I have shown that my mother brought a dower, that it has not been paid, and that the house was charged with the payment of it: it is for him to show the contrary. But don't accept mere talk or vague complaints in place of proofs. As a matter of justice, it is more reasonable that I should have the dower, than that a son of my father's mistress should be allowed to deprive me of it. 

τολλῶν scil. ὄντων, cum magnus sit numerus, G. H. Schaefer.

ὁσπερ ἀπὸ μηχανῆς] Like a deus ex machina, a familiar phrase borrowed from the stage. [We can only approximate to the sense by rendering 'like a friend in need' or 'by a special providence,' or (with Prof. Kennedy) 'like a good angel.' S.]

Quae quidem, ironically. But μαρτυρεῖ should perhaps be ἐμαρτυρεῖ. For this evidence was given when the adoption of Boeotus took place (sup. 28, and 39 § 22); and it should be contrasted with μαρτυρεῖ δὲ νυνι just below. It is clear that in both clauses μόνος means 'he is the sole witness.' Kennedy wrongly renders it in the latter, 'Timocrates now declares, that he alone was with Crito when he purchased the house from me.'
More correctly, perhaps, since it is a direct question of fact. The use of μή is rather irregular: perhaps we may say that πότερα—ἡ μή] More correctly, perhaps, η ου, since it is a direct question of fact. The use of μή is rather irregular: perhaps we may say that πότερα—ἡ μή is equivalent to εἰτε—ἡ μή. επενεγκαμένης] Cum domum intulenter.

60. ἐξαίρετον] Sup. § 14.

61. παρεμβάλλειν 'If he goes on introducing irrelevant topics.' Ar. Vesp. 481, τούτο γὰρ παρεμβαλοῦμεν τῶν τριχονίκων ἐπών. 

βοηθείτε μοι τὰ δίκαια] This phrase occurs Or. 35 § 5. It is here opposed to παρὰ πάντα τὰ δίκαια in the next sentence; or rather, perhaps, the clause ενθυμούμενοι ὅτι, κ.τ.λ. is exegetical of τὰ δίκαια, and the two together stand in contrast. —ἐξ ἀπάντων, κ.τ.λ., ‘which all the reasons I have urged show me to be entitled to.’ Kennedy.

Πλαγγόνα] The subject to ἀφελέσθαι. The sentence is neatly rendered by Kennedy, 'than that Plango and her sons,
adding another injury to those which they have already inflicted, should, contrary to every principle of justice, deprive me of the house, which was specially reserved as a security for the marriage portion.' The wrong already done is that described in § 51.
The action "against Dionysodorus for damage" relates, like that against Phormio, to a loan on bottomry, and the non-fulfilment of a contract. The case is plain, and involves no serious difficulties, either in the legal points or in the argument; but the speech is one of considerable value as illustrating the nature of the corn-trade at Athens, and the regulations by which it was controlled¹. Why it is named an action for damage is not so clear. The action was, in fact, to enforce the payment, with interest, of a loan, which was repudiated on the plea of injury to the ship. But, as the ship was the security for the money, and it had not been produced for the mortgagees, we may suppose that βλάβη means "loss" in respect of this part of the contract². According to Mr Kennedy³, any action at the suit of the party injured was a δίκη βλάβης. And as the injury in this case was a wrong done ex delicto, and not merely a breach of obligation ex contractu, it is entitled κατὰ Διονυσοδώρου and not πρὸς Διονυσόδωρον⁴.

1 See Introd. to Or. 34, p. 1. 2 [βλάβης is omitted in the mss A¹ and Σ and by Harpocra-
Darius and Pamphilus had lent to Dionysodorus 3000 drachms, to enable him to engage in the corn-trade between Athens and Egypt. The loan was to be repaid, with interest, on the return to Athens (ἀμφοτερόπλοιος, § 6), and clauses were inserted binding the borrowers to trade only between Athens and Egypt (§§ 6, 42) and to give up the ship on their return, as security for the payment, under penalty of twice the whole amount due (§ 45). They were to have the use of the money for one year, and had no right to extend the time (§§ 3, 45).

Dionysodorus had a partner Parmeniscus, who sailed with the ship to purchase corn in Egypt. They all appear to have been in collusion with Cleomenes (τοῦ ἐν τῇ Ἀιγύπτῳ ἄργαντος, § 7) and had a joint interest in keeping up the price of corn. The agents at Athens used to send advices to those in Egypt, and when corn became cheaper at home through the arrival of cargoes from Sicily or the Pontus, the buyers in Egypt used to send the corn to some other market where it was dearer. It was with this fraudulent intention, which was illegal (§ 3), that the defendants pretended their ship had sprung a leak, and were compelled to put in to Rhodes and unlade the corn, which they also sold there on finding it would fetch a higher price than at Athens (§ 10).

Dionysodorus, who had remained at Athens, was asked by the money-lenders for an explanation of this affair; they did not like to incur the suspicion of being in collusion with Cleomenes (§ 11) and they required the production of the ship. The defendants upon this make an offer to pay the principal and part of the interest, viz. so much of it as was due for the outer voyage and the return voyage as far as Rhodes, on condition of the bond being cancelled, and with it all further obligation (§ 14). This the plaintiffs decline to do, alleging that if the
ship was really wrecked, or in any way seriously disabled, they were bound to submit to the loss; if not, they were entitled to recover the whole sum. And that the ship was not lost is proved by the fact that the defendants afterwards traded with it between Rhodes and Egypt, and that it was even now making voyages (§ 23). If, the plaintiffs argue, the ship had really sprung a leak, the defendants, had they acted honestly, would have brought the ship back to Athens when it had been repaired (§ 40). For all these reasons the conduct of the defendants is denounced as fraudulent and illegal. The offer of partial payment, the plaintiffs say, was made by the defendants with the conviction that it would be refused, διὰ τὰς υπούσας αἰτίας (§ 13).

The suit was one of those called ἐμπορικαὶ, and the plaintiffs press for a verdict in their favour, not only in their own interest, but in that of the whole mercantile community (§ 48). The indignation of the jury is raised by the hint that the defendants are in collusion with Cleomenes. It seems probable that the cause of the scarcity of corn¹ was popularly attributed to this man’s cupidity, and the date of the speech may be approximately fixed by the allusion (§ 8) to the high prices in the years 330—326 B.C., and probably to the end of that period, as prices are said to be falling (§ 9).

[In Fynes-Clinton’s Fasti Hellenici, the speech is approximately assigned to B.C. 329: not before B.C. 331, because the facts occurred Κλεομένους ἐν τῇ Αἰγύπτῳ ἄρχαντος (p. 1285)—who was appointed praefect of Egypt by Alexander, B.C. 331 (Arrian iii 5, Dexippus apud Phot. Cod. 82 = p. 200). Cleomenes was charged with the building of Alexandria (Aristot. Oeconom. ii

¹ See Introduction to Or. 34, ad fin.

P. S. D. 15
vectigalibus Africae Aegyptique præpositus (Curtius iv iv, 5). He remained in office till he was put to death by Ptolemy, b.c. 323 (Pausan. i 6, 3).

Arnold Schaefer holds that the aorist participle in § 7 (ἡσαν ὑπηρέται... Κλεομένους του ἐν τῇ Ἀιγύπτῳ ἀρξαντος) shows that the ἀρξη of Cleomenes was at an end when the speech was delivered, and he proposes to assign it to the winter of b.c. 322—321, i.e. some few months after the death of Demosthenes; who therefore, he concludes, could not have written the oration. The argument from ἀρξαντος does not appear conclusive, as the aorist need only imply that Cleomenes was in power at the time of the transactions described, without showing whether he was still in office or not when the speech was delivered. But, of course, if he were still in office, the most natural tense would have been the present.

Blass, Att. Ber. iii 522, places the speech in the winter of b.c. 323—3221, not because the death of Demosthenes falls in October 322, but because that date marks the downfall of the Athenian democracy; a change which would have found some recognition in the speech itself. On the contrary we have a direct reference to the Demos in the words οὔτε γὰρ τῷ πλήθει τῷ ὑμετέρῳ συμφέρει τούτο (§ 50).

The Zürich editors, while refraining from deciding against the genuineness of the speech, admit that they have doubts on the subject, though they assign no specific reasons2.

It closes with an appeal to Demosthenes (ἀξιῶ δὲ καὶ τῶν φίλων μοι τινα συνειπεῖν. δεῦρο, Δημοσθένει). A. Schaefer suggests that some early transcriber may have added

1 So also Schwarze, De orat. kàtà Δ. (Göttingen, 1870) p. 18 f.

2 Pref. p. xiv addimus etiam de Or. 56 nobis videri dubitandum esse.
the name to enhance the value of a spurious oration; but it may be remarked that a transcriber with such an object in view is little likely to have added a clause, which might lead an ordinary reader to suppose at first sight that as the speaker appeals to Demosthenes, the speech was not written by that orator. If the last clause is genuine, it proves at any rate that the speech was delivered before the death of Demosthenes, and (as Schaefer candidly confesses) it is not per se inconsistent with his having himself composed the speech. He is inclined to ascribe it to the same writer as the speeches against Apaturius (33) and Phormio (34). (Dem. und seine Zeit, iii 2, 311—314.) Blass agrees in regarding the speech as spurious (Att. Ber. iii 24—55); and there is an elaborate dissertation by P. Uhle, arguing that the writer was the same as that of the speech against Phormio, but different from that of the speech against Apaturius (Quaestiones de orationum Demostheni false addectarum scriptoribus ii 1886). It is accepted as genuine by Weil, les Harangues de Dém. p. xiii, ed. 1881. S.]

Mr Mayor (Journal of Philology, vi, p. 251), remarking on the awkward sentence in § 10, says, “This seems to me more unlike Demosthenes than anything in the Lacritus. There are many minor points beside which make me doubt the genuineness of this speech.”
LVI.

ΚΑΤΑ ΔΙΟΝΥΣΟΔΩΡΟΥ ΒΛΑΒΗΣ.

ΤΙΠΟΘΕΣΙΣ.

Δαρείος καὶ Πάμφιλος Διονυσοδώρῳ δανείζουσι τρισ-
χιλίας δραχμάς ἐπὶ τῷ πλεῦσαι αὐτὸν εἰς Αἰγυπτὸν
κάκείθεν αὖθις Ἀθηνάζε, καὶ λαμβάνουσι μὲν ὑπο-
θήκην τὴν ναῦν, διομολογοῦνται δὲ καὶ τόκους ὅσους
5 οὖς ἀρείον" Ἀθηνάζε καταπλεύσαντος Διονυσοδώρου κο-
μίσασθαι. Διονυσοδώρῳ δὲ ἀναπλέων ἐκ τῆς Αἰγύπ-
του, τῇ Ῥόδῳ προσσχῶν, ἐκεί τὸν γόμον ἐξέθετο, ὡς
μὲν αὐτὸς φησί, διὰ τὸ βαγχήναι τὴν ναῦν καὶ εἶναι

* Bekk. οὖς ἀρείον Ζ.

1. Argument. Δαρείος: His name is nowhere mentioned
in the speech, and it seems
to have been preserved by
the author of the argument
(Libanius) from some source
now unknown. [The name is
also given by the mss Σ and B
in the following words added
at the close of the speech:
δαρείῳ καὶ παμφίλῳ κατὰ διο-
νυσοδώρου. He is identified by
Boeckh (Staatsannahaltung, ad-
denda to 2nd Germ. ed. p. x)
with the person mentioned in
an inscription referring to the
year Ol. 114, 2 = b.c. 323—2:
Δαρείῳ [ἐν Σκα]μωσονδὼ[ν]οκ]οῦν-
τι Η Η Η...His partner Pamphi-
lus is probably the Egyptian
mentioned in Mid. § 163, τὸν
μετόκον ἐξέστη διὸν Διογύπτιον
Πάμφιλον. Possibly Pamphilus
is, like other μέτοκοι, imper-
fectly acquainted with Greek,
and therefore allows Darius to
address the court. Boeckh l.c.
and A. Schaefer, Dem. u. s. Zeit
ii 2, p. 307 n. 8.]

2. ἐπὶ τῷ πλεῦσαι: 'With a
view to,' or 'on condition of
his sailing,' &c.

4. διομολογοῦνται: 'They come
to an agreement between them-
selves and the lender what
interest they were to get when
Dionysodoros should have sail-
ed back to Athens.' Cf. § 5.

7. ἐξέθετο: The same as ἐξελ-
λετο, Or. 34 (πρὸς Φορμ.) § 8,
inf. §§ 10, 20.
σαβράν, ὃς δὲ Δαρείος λέγει, διὰ τὸ πυθέσθαι τὸν σῶτον 'Αθήνης εὖωνον ὄντα· τὴν γὰρ ναῦν σφᾶν τὸ ὑπάρχειν φησί καὶ πλεῖν ἔτι καὶ νῦν. οἱ μὲν οὖν δανείσαντες καὶ κατηγοροῦσι τοῦ Διονυσοδόρου παραβεβηκέναι τὴν συγγραφήν, διότι τὴν ὑποθήκην, τουτέστι τὴν ναῦν, οὐ παρέσχεν ἐμφανί, καὶ ἀπαιτοῦσιν αὐτὸν τοὺς ὀμολογηθέντας τόκους τελείους· ὃ δὲ οὐ 15 πάντας ἀποδίδοναι βούλεται, ἀλλὰ πρὸς λόγον τοῦ πλοῦ τοῦ πλευσθέντος.

Κοινωνός εἰμι τοῦ δανεισματος τούτου, ὃ ἄνδρες δικασταὶ. συμβαίνει δ' ἢμῖν τοῖς κατὰ θάλατταν τὴν 1283 ἐργασίαν προηρμένους καὶ τὰ ἡμέτερον αὐτῶν ἐγχειρίζουσιν ἐτέροις ἐκεῖνο μὲν σαφῶς εἰδέναι, ὡσ' ὁ δανειζόμενος ἐν παντὶ προέχει ἢμῶν. λαβὼν γὰρ ἀργύριον φανερὸν καὶ ὀμολογούμενον, ἐν γραμματείδιῳ δυνῶν

b Bekk. om. Z.

c ἡμέτερα Z.

10. σφᾶν ὑπάρχειν] i.e. ἔτι σφᾶν εἰναι.
12. καὶ κατηγοροῦσι] They both charge him with having kept back the security illegally (see Or. 34 § 7), and also demand payment of the interest without deduction. The defendants are willing to pay a part, but only in proportion (πρὸς λόγον) to the length of the actual voyage, viz. they wish to deduct that due from Rhodes to Athens.

§ 1. (Darius speaks.) 'I am a partner in this loan, and it happens to us, who have made it our profession to trade on sea-securities, and to place our property in the hands of others, to know this full well, that the borrower in every respect has the advantage over us. (Look at the present case:) he has got from us money in hard cash and in sterling coin, for which he leaves us, on a promissory note, that cost him a couple of farthings, and a very small scrap of paper, his agreement to do what is right and honest. Whereas we do not (as he does) merely say we will give, but at the time and on the spot do actually give the money to the borrower.'

κοινωνός] See § 6, from which it appears that the name of Darius was not inserted in the contract.

προηρμένους] προϊέμενον ποιησιμένοι. So § 48, τολλοὶ τῶν κατὰ θάλατταν ἐργάζεσθαι προϊέμενων, and § 50.—ἐγχειρίζουσι, i.e. προϊέμενοι.

γραμματείδιῳ] Cf. ὑν γρ. τὰ
χαλκοῖν ἐωνημένα καὶ βιβλιδώ ὀκρῶ πᾶν τὴν ὀμο-
λογίαν καταλέοιπε τοῦ ποιήσεων τὰ δίκαια. ἦμεῖς δ’
οὐ φαμέν δόσειν, ἀλλ’ εὐθὺς τῷ δανειζόμενῳ διδομέν
2 τὸ ἀργύριον. τῷ οὖν ποτὲ πιστεύοντες καὶ τὶ λαβόντες
tὸ βέβαιον προϊέμεθα; ὑμῖν, ὦ ἀνδρεῖς δικασταί, καὶ
toῖς νόμοις τοῖς ὑμετέροις, οὐ κελεύσων, ὥσα ἃν τις
ἐκὼν ἔτερος ἔτερον ὀμολογήσῃ, κύρια εἶναι. ἀλλά μοι
δοκεῖ οὕτε τῶν νόμων οὕτε συγγραφής οὐδεμιᾶς ὁφε-
λός εἶναι οὐδέν, ἂν ὁ λαμβάνων τὰ χρῆματα μὴ πᾶν
dίκαιος ή τὸν τρόπον καὶ δυνῶν θάτερον, ἡ ύμᾶς δεδιῶς
3 ἢ τὸν συμβαλόντα αἰσχυνόμενος. ἄν οὐδέτερον πρὸσ-
esti Διονυσοδόρῳ τούτῳ, ἀλλ’ εἰς τοσοῦτον ἤκει
tόλμης ὡστε δανεισάμενος παρ’ ἡμῶν ἐπὶ τῇ ἡπ
tρισχιλίας δραχμᾶς ἐφ’ ὦ τε τὴν ναῦν καταπλείν

§ 2. In doing this, we trust
to the law and its administra-
tors, and in particular to the legal
principle, that all voluntary com-
pacts are binding. I however
have come to the conclusion that
the law is of little avail, if a
man is dishonest, and defies
both it and the lender of the
loan.

tὶ λαβόντες τὸ βέβαιον] ‘What
do we get as our security when
we part with our money?’ Cf.
§ 15.

προέσται (or προέσται) is
the usual term for ‘lending on
risk,’ ‘sacrificing on a venture,’
the notion being that of fling-
ing away, projicere. Cf. Or.
36 § 6. The active is so used
in Ar. Nub. 1214.

tὸν συμβαλόντα] The con-
tributor or provider of the loan,
thence called συμβαλαίον, from
the ‘bringing together’ of the
contracting parties.

§ 3. But Dionysodorus is not
honest; he borrowed under pro-
mise of bringing the ship, which
was the security, to Athens;
and though we ought to have
received our money last autumn,
he sold the cargo at Rhodes,
illegally and contrary to the
terms of agreement, and then
went back to Egypt and again
to Rhodes. But he has never
given the security up to us, and
he is using our money now for
a second year.

τρισχιλίας] Boeckh (P. Econ.
p. 108) observes that we “are
not justified in assuming the
ship had not a greater value,
as at Athens a double pledge
was not unfrequently given in
cases of bottomry, and there-
fore its real value might have
been as much as a talent”
(6000 drachms).
**ΔΙΟΝΤΣΟΔΩΡΟΥ ΒΛΑΒΗΣ.**

''Αθήνας, καὶ δέον ἡμᾶς ἐν τῇ πέρυσι ὧρᾳ κεκομίσθαι τὰ χρήματα, τὴν μὲν ναῦν εἰς Ἡρόδου κατεκόμισε καὶ τὸν γόμον ἐκεῖσε ἐξελόμενος ἀπέδωτο παρὰ τὴν συγγραφήν καὶ τοὺς νόμους τοὺς ύμετέρους, ἐκ δὲ τῆς Ἡρόδου πάλιν ἀπέστειλε τὴν ναῦν εἰς Λύγυπτον κάκειθεν εἰς Ἡρόδου, ἡμῖν δὲ τοὺς Ἀθηναίος δανεισάσιν οὔδεπω καὶ νῦν οὔτε τὰ χρήματα ἀποδίδοσιν οὔτε τὸ ἐνέχυρον καθίστησιν εἰς τὸ ἐμφανές, ἀλλὰ δεύτερον ἔτος τούτων καρποὺμενος τὰ ἡμέτερα, καὶ ἔχων τὸ τε 4 δάνειον καὶ τὴν ἐργασίαν καὶ τὴν ναῦν τὴν ὑποκειμένην ἡμῖν, οὔδεν ἑπτον εἰσελήλυθε πρὸς ὕμᾶς δηλοντεὶ ὡς ἐξελόμεσσιν ἡμᾶς τῇ ἐπωβελίᾳ καὶ καταθησάμενος εἰς τὸ οἰκήμα πρὸς τὸ ἀποστειρεῖν τὰ χρήματα. ὕμῶν οὖν, ὥς ἀνδρεῖς Ἀθηναῖες, ὑμοίοι ἀπάντων δεόμεθα

* Beka. om. Z cum ΨΦΒ.

* δῆλου ὅτι Bekker st. ὅτι in margine manu antiqua additum, Σ. δῆλον Z.

аниц[ Properly 'the ripening time,' applied to harvest and vintage, and then to the safe time for sailing. In § 30 it is ἡ ὦρα. On the time granted for paying loans on bottomry, see *Publ. Econ.* p. 139.—κεκομίσθαι, middle, 'when we ought to have got back our money in the season of last year.' Kennedy, ἐκεῖσε] for ἐκεῖ, as in § 25. τοὺς νόμους] Cf. inf. § 10. τὸ ἐνέχυρον] i.e. τὴν ύποθήκην, τὴν ναῦν.

4. τὴν ἐργασίαν] The privilege of trading with it.

τῇ ἐπωβελίᾳ] The fine of one-sixth of the assessment (an obolus for each drachma), if we fail to obtain the fifth part of the votes. (See Boeckh, *Publ. Econ.* p. 356.) In fact, he thinks we shall not only lose our suit (on the ground that the ship was wrecked or disabled), but shall have to pay the fine to him as the defendant, in compensation; and that if we do not pay it, he will get us put into prison till we do. The term καταθῆσαι is used (as in several places by Thucydides) of depositing captives or hostages in a place of security. The use of τὸ οἰκήμα for the debtors’ prison is remarkable. Hesych. οἰκήματι τὸ δεσμωτηρίου. Cf. *Or.* 32 § 29, εἰ δὲ μὴ κατέστησεν (τοὺς ἐγγυησάς), εἰς τὸ οἰκήμα ἄν ἔμει, and 24 §§ 131, 135, 136. For the sense, cf. *Or.* 35 § 46. Kennedy renders it ‘putting us in the lodging.’ Boeckh (*Publ. Ec.* p. 366), “carrying it off to his own house.” And he adds (p. 370) that this shows (beside *Or.* 47 § 64) that in private suits the epoibelía was received by the successful party and not by the state.
The history of the transaction. We were asked by the defendant and his partner last September to lend them money on the security of the ship, and on condition of their sailing to Egypt, and either to Athens or to Rhodes on the return-voyage; and the interest was to be paid at either of these markets. We objected, however, to their sailing to any other port but that of Athens; and so they borrowed 3000 drachms and signed a bond on these terms. My partner’s name indeed was written as the lender, but I had an interest in the loan, though my name did not appear (ἐξωθεν). 

An alternative of this kind seems to have been commonly allowed in contracts; so Or. 35 § 10, εἰς Μενὸν ἥ Σκιών. Here their proposal εἰς Ρόδον was distinctly declined, so that they could not plead ignorance of the lenders’ intentions. Boeckh (Publ. Ec. p. 56) calls it “an exceedingly oppressive regulation, that no Athenian or alien resident in Attica should lend money upon a vessel which did not return to Athens with a cargo of corn or other commodities,” comparing this passage and Lacrit. § 51. He thinks, however, this involves such difficulties, that we must suppose the law is not fully known to us. On the loan called ἐτερχπλος see ibid. pp. 57—8.

dιομολογησάμενοι] See Argum. 1. 4.

6. εἰς ἐτερον ἐμπόροιν—'Ἀθήνας] See Or. 34 § 37.

ἐνεκολοθήσετε. 

διομολογησάμενοι] See Argum. 1. 4.

They enter into an additional agreement. See Or. 37 § 49.
The narrative continued. The ship accordingly sailed for Egypt with the defendant's partner on board, while he remained at home. The fact is, these men were in collusion with Cleomenes, who had been making a large profit by raising the price of corn. [Satrap in Egypt, and he refers to the second book of Aristotle's Oeconomics for other examples of "this notorious corn-dealer's contrivances." Like the Roman governors of provinces, he seems to have looked principally to his own interests. Apparently he had created a monopoly of corn, and so could sell it at his own prices. (See Introduction, p. 225.)

See Or. 34 (πρὸς Φαρμ.) § 6. [Harpocratio, s. v. Δημ. ἐν τῷ κατὰ Διονυσοῦδώρου ὠταν τις ναυτικὸς δανείη δάνειον ἐπὶ τῷ καὶ ἐνθένε ἐπέβαλεν πᾶσιν καὶ κάκειθεν ἐνθάδε, τότε ἀμφοτερόπλους καλεῖται. S.]

See Boeckh (Publ. Ec. p. 84) calls him Alexander's Satrap in Egypt, and he refers to the second book of Aristotle's Oeconomics for other examples of "this notorious corn-dealer's contrivances." Like the Roman governors of provinces, he seems to have looked principally to his own interests. Apparently he had created a monopoly of corn, and so could sell it at his own prices. (See Introduction, p. 225.)

See Bücherenschütz, Besitz u.
§ 8. An exposure of the transactions by which corn had become dearer. Cleomenes' people used to send off cargoes from Egypt, while these men either sailed with them, or staid at home to watch the market and send off advices, so that the corn was always sold in the dearest mart.

\[\text{§ 8. An exposure of the transactions by which corn had become dearer.} \]

Erwerb, p. 455 n. S.]—συνιστάς 'by settling the prices of corn.' Kennedy translates, 'by buying up corn for resale and keeping it at his own price.'

[G. H. Schaefer on p. 219, 20: 'accendens pretia, flagellans annonam,' Prof. Kennedy: 'By regrating and manipulating the price of corn.' In England severe statutes were passed from the time of Edward VI downwards, against all 'regraters,' 'engrossers,' and 'foresellers of the market.' They were repealed in 1772, and the alleged offence of buying up or bargaining for goods on the way to market, to sell them at a higher price, has ceased to be a subject of criminal prosecution. See Adam Smith, Wealth of Nations, tv Í, on the corn laws. For part of the Athenian law on the subject, cf. Lysias, Or. 22 κατά τῶν σιτοπώλων, esp. § 6, παρεσχόμεθα τῶν νῦν (against engrossing), διὸ ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλεῖον σίτον πενήνθηνα φορμῶν συνωσίσθαι. S.]

καὶ σῶτοι] Dionysodorus and Parmeniscus. By πάντες οὕτωι above (not ἄμφω), he appears to include other traders.

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[G. H. Schaefer on p. 219, 20: 'accendens pretia, flagellans annonam,' Prof. Kennedy: 'By regrating and manipulating the price of corn.' In England severe statutes were passed from the time of Edward VI downwards, against all 'regraters,' 'engrossers,' and 'foresellers of the market.' They were repealed in 1772, and the alleged offence of buying up or bargaining for goods on the way to market, to sell them at a higher price, has ceased to be a subject of criminal prosecution. See Adam Smith, Wealth of Nations, tv Í, on the corn laws. For part of the Athenian law on the subject, cf. Lysias, Or. 22 κατά τῶν σιτοπώλων, esp. § 6, παρεσχόμεθα τῶν νῦν (against engrossing), διὸ ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλεῖον σίτον πενήνθηνα φορμῶν συνωσίσθαι. S.]

καὶ σῶτοι] Dionysodorus and Parmeniscus. By πάντες οὕτωι above (not ἄμφω), he appears to include other traders.

§ 8. An exposure of the transactions by which corn had become dearer. Cleomenes' people used to send off cargoes from Egypt, while these men either sailed with them, or staid at home to watch the market and send off advices, so that the corn was always sold in the dearest mart.

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of corn-imports was manipulated through such letters and com-
plots, i.e. the price was man-
aged by a conspiracy. Liddell and Scott unsatisfactorily say
'Pass. to increase in value, rise in price;' a meaning which the
passive can scarcely bear. Prof. Kennedy,[1] Mr Mayor (p. 251)
suggests that 'to price (or value) together' may indirectly have
meant to raise prices which had been kept down by artificial
restrictions.

§§ 9, 10. Corn was dear when they left Athens, so they con-
sented to return to that mart. But supplies from Sicily mean-
while had brought down prices: accordingly advices are sent to
intercept the ship on her return voyage at Rhodes, and so, re-
gardless of the penalties in the contract, and the illegality of
the act, they dispose of the cargo at Rhodes.

υπέμεναν] 'They made no objection to having it written.'
Σκέλεικός κατάπλους] 'When
the Sicilian convoy arrived,' lit. 'When the Sicilian sailing
to land took place.' Vessels
laden with corn are meant.

έπ' ἐλαττὸν ἐβάδιζον] Or. 32
(Zηνοβ.) § 25, ὡς δὲ δεύρο ἡκοντος
άυτοῦ καὶ πέρι ταῦτα πραγμα-
tευμένου ἐπανήκεν ὁ σῖτος ('the
price of corn had gone back'),
ἄλλην εὐθέως ἔδειξε γνώµην.

ἀνήκτο] 'Had already set
sail for Egypt.'

ταυθένδε καθεστηκότα] 'The
market-prices (current or es-
tablshed prices) here.' Or
perhaps, 'that prices here were
steady,' as inf. § 10. He uses
ἐνθένει for ἐνταῦθα on account of
ἀποστέλλει, according to a
very common idiom.

ἀναγκαῖον εἶη] Perhaps to
take in water or provisions.

10. πέρας δ' οὖν] 'In fine,'
ceterum. See on Or. 37 § 43.
Equivalent to ἢν δὲ μὴ
μακρά λέγω. The construction
of the long sentence following
is irregular. He might have
said, ἐπειδὴ ἔλαβε ὁ Παρμενί-
σκός—ἐξαρείγαι τὸν σῖτον κατα-
φονήσας κ.τ.λ., and the plural
καταφονήσαντες may have been
used because the speaker is
conscious that he is really describing the acts of two persons in concert. Another, and perhaps a better way of explaining the anomaly is to regard λαβὼν γὰρ—ἀποδίδοται as parenthetical, and to suppose that πρᾶγμα ποιοῦσι δεινῶσαν was intended to follow after ἐνόχους, the last word of the paragraph, but was forgotten in the careless composition of a long sentence. G. H. Schaefer would read πέρας δὲ, and καταφρονήσας in both places, while Reiske proposed ἀποδίδονται for ἀποδίδοται.

καθεστηκιών]. This may mean either ‘learning the market-prices here’ (so Kennedy takes it), or, ‘learning that the market here was quiet,’ i.e. that prices were about the average. And so Mr Mayor understands it, p. 250. So in Aesch. Pers. 297, λέγων καταστάτας means ‘compose yourself and say.’ Ar. Equit. 865, ὅταν ἡ ἱμήν καταστῇ.

touς ἐπιβάτας] ‘Must not the word ἐπιβάτης have had some technical sense which does not appear in our lexicons? It seems hardly possible that ordinary passengers should have been liable to the severest punishment if they changed their destination. I understand it of an agent sent in charge of goods.’ (Mr Mayor, p. 250.)

[Similarly in the seventh ed. of Liddell and Scott: ‘a merchant on board ship,’ ‘a supercargo.’ See § 24, Or. 34 § 51, and 32 §§ 4, 5. In 50 § 10 it means (as often) ‘a marine.’ S.]

§ 11. We, on learning this transaction, had an interview with the defendant, telling him that he had not only violated the compact, but had thrown a suspicion on us of being concerned in a contraband trade, besides having withheld from us the ship, which was our sole security.

τῷ ἀρχιτέκτονε] So Ar. Pac. 335, πρὸς τὰς ἡμῶν, εἰ τι χρῆ δρᾶν, φοίξε καρχιτέκτονει.

ἀγανακτοῦντες] ‘Expressing our indignation.’
μένων ἐν ταῖς συνθήκαις ὡπως ἡ ναῖς μηδαμῶς καταπλεύσεται τάλα ἡ εἰς Ἀθήνας, καὶ ἐπὶ ταύταις ταῖς ὁμολογίαις δανεισάντων τῷ ἀργύριον, ἡμᾶς μὲν ἐν ὑποψίᾳ καταλέλουσε τοὺς βουλομένους αἰτιάσθαι καὶ λέγειν ὡς ἄρα καὶ ἡμεῖς κεκοιμονήκαμεν τῆς σιτηρίας τῆς εἰς τὴν Ῥόδον, αὐτοὶ δ᾿ οὐδὲν μᾶλλον τὴν ναῦν ἠκουσί κατακομίζοντες εἰς τὸ οὐμέτερον ἐμπόριον εἰς ὁ συνεγράψαντο. ἔπειδὴ δ᾿ οὐδὲν ἐπεραιόμεν ὑπὲρ τῆς συγγραφῆς καὶ τῶν δικαίων διαλεγόμενοι, ἀλλὰ τὸ γε δάνειον καὶ τοὺς τόκους ἥξιοῦμεν ἀπολαβεῖν τοὺς ἐξ ἀρχῆς ὁμολογηθέντας. οὕτως δ᾿ οὕτως ὑβριστικῶς ἐχρήσατο ἡμῖν ὡστε τοὺς μὲν τόκους τοὺς ἐν τῇ συγγραφῇ νεγαραμμένους οὐκ ἐφή δόσειν. "εἰ δὲ βούλεσθαι k" ἐφη "κομιζεσθαί τῷ πρός μέρος τοῦ πλοῦ τοῦ πεπλευσμένου, δῶσω ὑμῖν" φησὶ "τοὺς εἰς Ῥόδον τόκους πλείους δ᾿ οὐκ ἂν δοίην," αὐτὸς ἐαυτῷ νομοθετῶν καὶ οὐχὶ τοὺς ἐκ τῆς συγγραφῆς δικαίως πειθω—1287 μενος. ὡς δ᾿ ἡμεῖς οὐκ ἂν ἐφαμεν συγχαρηθῆσαι οὐδὲν ἠπον ἠμα 13

1 μηδαμοῦ (Dobree) καταπλεύσεται Ζ.  
j +δτι Z. [δτι] Bekk. cum Reiskio.  
k βούλεσθε Ζ.  
1 αἰτῷ Ζ.

οὐδὲν μάλλον] Tametsi reditum Athenas ipsi condixissent. 
G. H. Schaefer.

§ 12. When we found it was no use talking about law and justice to such men, we asked them to pay at least the loan and interest agreed upon, though in fact they were also liable to the penalty. The defendant however, refused even this, and offered interest only as far as Rhodes—thus laying down the law for himself.

ἀλλὰ] Saltém.—τοὺς ἐξ ἀρχῆς, viz. the αμφοτέρωπους, § 6.  
ἐχρήσατο] 'Treated us.' Or.  
34 § 46.

κομιζεσθαί] 'To take in pay-

ment.'—τῷ πρὸς μέρος, τῷ πρὸς λόγον, 'the moiety in proportion to the voyage actually sailed.'

§ 13. When we, fearing we should be implicated in the transaction, declined to take the interest offered, he came to us with witnesses to attest that we rejected the proffered payment, knowing perfectly well that we should reject it, and the reasons why.

οὐκ ἂν ἐφαμεν κ.τ.λ.] The usual hypetnosis or attraction of ἂν to the negative ἐφαμεν ὃτι οὐκ ἂν συγχαρῆσαιμεν. See 37 § 16, and 40 § 10.
LVI. KATA [§§ 13—15

tóuton, logizómevoi óti, ópote touto prǽxomev, ómor-
logoumev kai autó eis 'Ródou sesispíhtigkénai, éti
mállon épéténev oútos kai márturpas pollovs para-
labhón proshéi, fáskwn étoimos einai apodidóinai to
dáneovn kai toús tókous toús eis 'Ródou, oúdei mállon,
ó vàndres dúkastaí, apodóinai diánoúmevov, ál̇l ἡμᾶς
úpolambánovn ouk án éthelísaí ápolabéiv to árγý-
riov diá tás úpoúvas aítíás. édhlwse δ' autó to
14 érgon. épieidh γαρ, ó vàndres Ἀθηναίοι, tôn úmetéron
politovn tineis paragenvómevoi apò taútomatótov syne-
βουλευν ἡμῖν τó mén didómoenvn lambánein, peri dé
tòv αὐτουγεμένων κρίνεσθαι, tovs de eis 'Ródou tó-
kous μη kathormologeíν 'éws m' án kriðómev, ἡμεῖς μὲν
m éwos r. tèws Bekker st. cum ΣΦ.

ópote] See Or. 34 § 33.

mállon épéténew[ 'He was still more pressing.' A meta-
phor, perhaps, from the tuning of a lute, and raising the pitch.
Cf. § 24.

márturpas pollovs] Cf. Or. 34 § 30, sol δ' apodidónti to te
dáneovn kai tovs tókous ámphiote-
rous—πῶς oúchi pollovs ἦν para-
lupetón márturpas;

oúdei mállon] Used here ad-
verbially, 'not at all the more
intending to repay' &c.

úpoúvas] sc. tò ápolabéiv.

§§ 14—16. That we were
tight in supposing he never
meant to pay, was shown by
the result (§ 16). We were ad-
vised to take the interest as far
as Rhodes, and to file a bill
against them to recover the
rest. To this we consented,
not wishing to seem too hard
on the defendant. But when
he demanded that the whole
claim should be cancelled on
payment of part, we declined
that, offering however to can-
cel it in so far as it was paid.
To this he would not consent,
and so to this day he has paid
us nothing.

úmetéron politovn] Hence it
follows that the speaker and
his partner were not citizens,
but mútoukoi. Cf. note on Argo-
ment, 1. 1. S.]

apò taútomáto] It seems
better to construe this with
syneβουλευν, 'volunteered the
advice,' than (as Kennedy takes
it) with paragenvómevoi, 'who
were accidentally present.' [M.
Weil however (Revue Critique,
1876, p. 145) and Mr Mayor,
p. 251, agree with Kennedy's
rendering. The other rendering
would be naturally expressed
by αὐτόματοι. S.]

kríνεσθαι] 'To go to law,'
'to have the matter decided by
a jury.'

μη kathormologeìν] 'Not to
accept as full payment.' The
kata here seems to have the same
taíta synexchronómen, óuè ágyvovnêtes, ò ándres dika-
stai, to èk tis synygrafihs díkaion, all' hgyvmenoi
dev ëkattovsthai ti kai synexhreiv, òste mi' ãokeiv
philodikoi einai, óutos ð' ãs èýra ëmàs ómòse poreu-
menvou, "ànaireisthe" fhsì "tòiun tìn synygrafihe." "ëméis ànaireométha; ou'dèn òe muàllon ã ótioùn' allà 15
cata mën tàrgýrion, ð' àn àpodôs, òmologhísmouen ènàv-
tiòv toù trápezi'tou àkurov poeiv tìn synygrafihe, to
mèntoi sývolo ouè òn èn èneloi'meðha, ëws ån peri tòv
àntilegomenon kritómev. ti gàp èxontes díkaion ã
ti to ìsýhronon àntidikísmouen, eàn te pròs diàintèthn
èàn te èis díkastríron deì bádi'zeùn, èneloménoi tìn
synygrafihe èn ã tìn úpèr tòv díkaíon boîtheiav

force as in katagýraçèn, Or. 34 § 7, 'to agree to as against the
debt.'
'ëkattovsthaì] 'To take something less than our rights.' See
Or. 40 § 53.
'òmòse poreuomènou] This may mean, 'Ready to proceed against
him,' i.e. inclined to stand on
our rights, and not to give up
altogether the interest from
Rhodes to Athens; and this is
the regular meaning of the
term, 'to go at a person,' as we
say, lit. 'in the direction' of
òmò, i.e. èggous. Photius, òmòse-
òmò eis toùn autòn tòpòv. ã ès ènàv-
tías. —òmòse tàis làgchéis ènàv,
ànti toù ès ènàvias eis to autò
èrxosètai. This gloss lends some
colour to Kennedy's rendering,
'when the defendant saw that
we were closing with his offer.'
Mr Mayor also translates (p.
251) 'ready to meet him half-
way;' [M. Dareste has; préts
d' à le suivre, and Blass (p. 526)
notices it as used peculiarly for
synygrávntas].
'ànaireisthe] See Or. 34 § 31.

15. òmèis k.t.l.] 'We can-
cel it! Nothing less likely.'
'The last thing in the world!'
Lit. 'not more than we would
do anything.' — allà k.t.l.
'No! In proportion to the sum
you may have paid, we will
agree to cancel the bond in the
presence of a banker; but we
will not cancel it as a whole,
until we have had a verdict given
about the amount in dispute.
For with what claims of justice,
or holding what as our security,
shall we join issue, whether we
have to go to an arbitrator or
to a court, if we cancel the
bond in which we have our sole
redress in case our rights are
refused?' All this is a model
for Greek composition, being at
once simple and idiomatic. The
law said that all voluntary
compacts were binding (§ 2):
consequently, if the bond had
been cancelled, Dionysodorus
could have pleaded a demurrer
to any further action.
'òxontes — to ìsýhron] See
§ 2.
§ 16. On our saying this, and imploring the defendant not to meddle with, much less to cancel, the agreement which he himself admitted to be still binding, but to pay us what he allowed to be due, and declaring that we were ready to accept the arbitration of any one or more of the merchants on 'Change, Dionysodorus declared that he would not listen to any of these terms, but because we were not willing to cancel the bond entirely on receiving the part of our dues which he ordered us to take, he has been keeping what belongs to us and making use of our money now for two years.

ως ἐτοίμων ὄντων] A kind of attraction to ημῶν λεγόντων above. =ως ἐτοίμων ημῶν ὄντων, Reiske. Kennedy follows G. H. Schaefer in translating, "should leave the disputed claim, the amount of which was certain to be decided by one or more commercial men." ("De controversa autem pecunia, ut de qua liquido constaret." Schaefer.)

"In the simplest form the sentence would run αξιούμεν, ὡς ἐτοίμων ὄντες, κριθήναι, which, thrown into the (genitive) absolute, becomes αξιόματων ὡς ἐτοίμων ὑπότων κριθήσει." (Mr Mayor, p. 251.)

ἐφ' εἰν] 'Before one arbitrator.' [Fals. leg. § 243 ἐπὶ τοῖς δικασταῖς ἔλεγε, but in this sense the gen. is more common, e.g. 59 § 66 ἐπὶ τοῦ δικαστηρίου. S.] ἐπέταττεν i.e. as if he were master and we were but slaves. See Or. 39 § 7.

§ 17. What is the hardest thing to bear is this, that he is getting bottomry interest for our money, while we can get none out of him; and that too though his transactions are not for Athens, but for Egypt and Rhodes (i.e. for the trade between those marts).

pi par étéroun eispráttai vaunikous tókous àpò twv ἥμετέρων χρημάτων, ouk 'Aðhýnaii daveísa oudé eis 'Aðhýnas, ἀλλ' eis 'Pódoun kai Aýnupton, ἡμῖν δὲ τοῖς daveísaiv eis tō ûmèteroun ἐμπόριον ouk oítei deiv tōn dikaíwn ouðèn poieín. ὡτι δ' ἀληθῆ λέγων, ἀναγνώστει ὑμῖν τὴν πρόκλησιν ἢν ὑπὲρ τούτων προκαλεσάμεθ' αὐτὸν.

PROKALHΣΙΣ.

Taúta toînouv, ὡ ἀνδρεσ δικασταὶ, προκαλεσάμε- 18 νων ἡμῶν Διουνοῦδωρων τουτοῦ πολλάκις, καὶ ἐπὶ πολλὰς ἡμέρας ἐκτιθέντων τὴν πρόκλησιν, εὐηθείς ἔφθα παντελῶς ἡμᾶς εἶναι, εἰ ὑπολαμβάνομεν αὐτὸν οὕτως ἀλογίστως ἕχειν ὡς ἐπὶ διαίτητην βαδίζειν, προδήλου ὄντως ὡτι καταγνώστει αὐτοῦ ἀποτίσαι τὰ χρήματα, ἐξὸν αὐτῷ ἐπὶ τὸ δικαστήριον ἥκειν φέροντα

vaunikous tókous] This was larger than other kinds of interest, probably. Thus, in Or. 34 § 23, it is 600 drachms on 2000, while ibid. § 25, the interest according to a land-mortgage is 560 on 3360, or ἐφεξακινεστος, while in Or. 50 (πρός Πολυκλ.) § 17, the vaunikos tókos is ἐπάγοδος.—τὴν πρόκλησιν, see Or. 39, Argum.

οὐκ οἴεται δεῖν] 'He thinks he is not bound.' In this formula, as in οὐ φημεί &c., the infinitive is virtually negated. See § 47. Thuc. i 33 § 3, τὸν δὲ πόλεμον, δὲ ὑπὲρ χρήσιμον ἃν εἴημεν εἰ τις ὑμῶν μη οἴηται ἔσεσθαι, 'if any of you think the war will not take place,' &c.

§ 18. He, however, ridiculed the idea of going to an arbitrator, who was sure to give sentence against him. He might just as well go into court at once with the money in his hand, and pay it if he was forced, or keep it if he could.

ἐκτιθέντων] i.e. προκαλεσάμενον. As we insert advertisements in newspapers, so notices were posted on the eponym heroes (statues in the agora) of each tribe, that no man might plead ignorance. The present participle expresses the duration, and so represents the imperfect tense. [ἐκθείναι (τῶν νόμων) πρόσδειν τῶν ἐπωνύμων occurs in Or. 20 (Lept.) § 94, and similarly in 24 §§ 18, 23, Aeschin. 3 § 39 and Andoc. 1 § 84; also (of the public announcement of the name of one who had broken his promise to the people) in Isaeus Or. 5 § 38. There is no proof that documents connected with private suits were published in the same place. S.]

εὐηθείς] Isocr. Paneg. § 169 n. S.]

ἐπὶ διαίτητὴν βαδίζειν] cf. § 15 and see note on 53 § 15. S.]

P. S. D.
ταργύριον, εἰτ' ἐὰν μὲν δύνηται ὑμᾶς παρακρούσασθαι, ἀπίεναι τάλλοτρια ἔχοντα, εἰ δὲ μὴ, τηνικαῦτα καταβείναι τὰ χρήματα, ὥς ἀνθρωπος οὐ τῷ δικαίῳ πιστεύων, ἀλλὰ διάπειραν ὑμῶν λαμβάνειν θουλόμενος.

19 Τὰ μὲν τοίνυν πεπραγμένα Διονυσιδόφρω ἀκη- 1289 κόατε, ὦ ἀνδρεῖς δικασταί· οἴομαι δ' ὑμᾶς θαυμάζειν ἀκούοντας πάλαι τὴν τόλμαν αὐτοῦ, καὶ τῷ ποτὲ πιστεύων εἰσεληλυθεῖ δευρ. τῶς γὰρ οὗ τολμηρῶν, εἰ τις ἀνθρωπος δανεισάμενος χρήματα ἐκ τοῦ ἐμπορίου τοῦ Ἀθηναίων, καὶ συγγραφὴν διαρρήδην γραψάμενος ἐφ' ὃ τε καταπλεῖν τὴν ναῦν εἰς τὸ ύμέτερον ἐμπόριον, εἰ δὲ μὴ, ἀποτίνειν διπλάσια τὰ χρήματα, μήτε τὴν ναῦν κατακεκόμικεν εἰς τὸν Πειραιᾶ, μήτε τὰ χρήματ' ἀποδίδοσι τοῖς δανείσασι, τὸν τοῦτον ἐξελόμενον ἐν Ἐφεσίᾳ ἀπέδεστο, καὶ ταύτα διαπεπραγμένους οὐδὲν ἤττον

p eita Z. 9 Bekk. cum F (τόλμαν αὐτοῦ) et Σ (in margine prima manu adscriptum). om. Z.

παρακρούσασθαι] i.e. to induce them to give a verdict in his favour.

§§ 19, 20. The matter of surprise is, that he should dare to come into court without 'a leg to stand upon.' Here is a man who has borrowed money in the Athenian mart, under a promise to sail back to it or pay a heavy fine, and yet refuses either to pay or to produce the security! He has sold the corn in Rhodes, thereby breaking the law, and yet has the face to appear before a jury.

20. γραψάμενον] 'Having had a bond drawn up and engrossed on the express condition that the ship shall put into your port, or in default shall pay the amount of the loan twice over.' For the use of the article by which διπλάσια becomes a predicate, compare Aesch. Ag. 520, διπλὰ δ' ἔτισαν Πριμαλδα θαμάργια.

ἀπέδεστο] Notice the variety of indicative depending on ei, and expressing fact, κατακεκόμικεν, ἀποδίδοσι, ἀπέδεστο, ἀπολυμα.

diαπεπραγμένον] This is frequently found in the middle sense (35 § 26; cf. κεκομισθανί, § 3). Demosthenes, as elsewhere remarked, is fond of using the form of the perfect passive in the middle sense. Thus γέγραμμα is 'I have impeached,' Timocr. § 17. This closely resembles the transitive verbal adjective (commonly called the past participle) of deponent verbs, meditatus, comitatus, &c,
toλμᾷ βλέπειν εἰς τὰ ύμέτερα πρόσωπα; ἀ δὴ λέγει 21 πρὸς ταῦτ’ ἀκούσατε. φησὶ γὰρ τὴν ναῦν πλέουσαν ἐξ Ἀιγύπτου ῥαγῆναι, καὶ διὰ ταῦτ’ ἀναγκασθῆναι καὶ προσεχεῖν5 εἰς τὴν 'Ρόδον κάκει6 ἐξελέσθαι τῶν σιτῶν καὶ τούτων τεκμήριον λέγει, ὡς ἢρ' ἐκ τῆς 'Ρόδου μισθώσατο πλοία καὶ δεῦρ’ ἀποστείλει εἰς τῶν χρηματων ἑνία. ἐν μὲν τούτ’ ἐστὶν αὐτῷ μέρος τῆς ἀπολογίας, δεύτερον δ’ ἐκεῖνο’ φησὶ γὰρ ἐτέρους τινὰς δανειστᾶς 22 συγκεχωρηκέναι αὐτῷ7 τοὺς τόκους τοὺς εἰς 'Ρόδον’ δεινὸν οὖν, εἰ ἡμεῖς μὴ συγχωρήσομεν ταύτα ἐκεῖνοι. τρίτον πρὸς τούτοις τὴν συγγραφὴν κελεύειν φησίν αὐτῶν8 σωθείσης τῆς νεώς ἀποδοῦνα τὰ χρήματα, τὴν δὲ ναῦν οὐ σεσώσθαι εἰς τὸν Πειραιᾶ. πρὸς ἐκαστὸν δὴ τούτων, ὁ ἀνδρὲς δικασταὶ, ἀκούσατε ἄ λέγομεν δίκαια.

6 καὶ ἐκεῖ Z.
7 αὐτῷ Z.
8 αὐτῶν Z.

not a few of which are also used in a passive sense, as διαπεραγμένος in tragedy means 'done for.' Mr Mayor says, "it is curious that Demosthenes and Plato seem never to employ the active διαπέρασαν." 9

tολμᾷ—πρόσωπα; 10 Or. 34 § 19, εἰς τὰ ύμέτερα πρόσωπα ἐμβλέποντα. This is one of the parallels quoted by Blass, Att. Ber. ἱπ 525, indicating that the present speech was by the same author as that against Phormio. S.]

§§ 21, 22. Now hear his excuse. He pretends that the ship sprang a leak in the voyage from Egypt, and so he was forced to put in at Rhodes and sell the cargo there. And he points to the fact in confirmation, that he had to hire other craft, and send off some of the goods to Athens. Another plea is, that other leaders agreed to take the interest to Rhodes, thereby showing that they believed his story. Thirdly, the contract says, 'if the ship gets safe,' but she did not get safe.

καὶ προσεχεῖν καὶ—κ. τ. λ. 11 'That both the putting in to Rhodes and the unloading of the corn (viz. to get at the leak) were matters of necessity with him.' It might have been urged that at least one of these two expedients was unnecessary. Thus in § 42 it is denied that there was any need of going to Rhodes at all.

22. συγκεχωρηκέναι] This may be called a brief expression for συγκεχωρεῖν δέξασθαι. The simple accusative generally implies the ceding of something to another. So συγκεχωρηκέναι λα-
23 Πρώτον μὲν τὸ ῥαγήναι τὴν ναῦν ὅταν λέγῃ, οἷμαι πᾶσιν ὤμιν φανερὸν εἶναι ὅτι ψεύδεται. εἰ γὰρ τοῦτο συνέβη παθεῖν τῇ νη, οὔτ' ἀν εἰς τὴν Ῥόδον ἐσώθη 1290 οὔτ' ἀν ύστερον πλῶιμον ὥν δὲ φαίνεται εἰς τὴν Ῥόδον σωθείσα καὶ τάλιν ἐκείθεν ἀποσταλείσα εἰς Ἀἰγυπτόν καὶ ἐτι καὶ νῦν πλέοσα πανταχόσε, πλὴν οὐκ εἰς Ἀθήνας. καίτοι πῶς οὐκ ἀτοποῦ, ὅταν μὲν εἰς τὸ Ἀθηναίων ἐμπόριον δεήσῃ κατάγει τὴν ναῦν, ῥαγήναι φάσκειν, ὅταν δ' εἰς τὴν Ῥόδον τὸν σιτὸν ἐξελέσθαι, τηρικαῦτα δὲ πλῶιμον ὅσαν φαίνεσθαι τὴν αὐτὴν ναῦν;

24 Διὰ τί οὖν, φησίν, ἐμισθωσάμην ἐτέρα πλοῖα καὶ μετεξειλόμην τὸν γόμον καὶ δεύρῳ ἀπέστειλα; ὅτι, ὅ ἄνδρες Ἀθηναίοι, οὐ τῶν ἀπάντων ἀγωγίμων οὖθ' οὗτος ἥν κύριος οὔθ' ὁ κοινωνὸς αὐτοῦ, ἀλλ' οἱ ἐπιβάται τὰ ἐαυτῶν χρήματα ἀπέστελλον, οἰμαί, δεύρῳ ἐν ἐτέρῳ πλοῖοι εἰς ἀνάγκης, ἐπειδὴ προκατέλυσαν οὗτοι τὸν πλοῦν οὖν μεντο αὐτοὶ ἥσαν κύριοι, οὐ ταῦτ' ἀπέστελλον πάντα δεύρῳ, ἀλλ' ἐκλεγόμενοι τίνων αἱ πλοῖοι...πλοῖοι Bekker st. cum ΑΣΦτ.

βεῖν, § 26. The next sentence is quoted in Bekker’s Anecdota, p. 144, 16, δευνὸν οὖν εἶ μὴ ἦμεις συγχωρήσουμεν.

§§ 23—5. First as to the alleged leak. That must be false, because the ship got safe to Rhodes, and is even now sea-worthy. No! the leak only let in water when the ship was wanted at Athens! Secondly, as to the hiring of other craft. Why, he asks, did I do that if the ship could have made the rest of the voyage? Because, gentlemen of the jury, neither he nor his partner was the owner of all the goods: there were passenger-merchants on board who were obliged to forward their goods when these men chose to stop short at Rhodes. As for their own goods, they sent on such only as would fetch a higher price. Otherwise, why was not the corn sent on also? Because corn had got cheaper at Athens. So that this hiring of other craft proves to have been done only in their own interest.

24. ἐκλεγόμενοι] ‘Selecting those of which the prices had been raised,’ Lit. ‘of what goods,’ &c. τίνων in this respect differing from ὅν. G. H. Schaefer suggests εἰ τίνων.

[The sense implied by τίνων
Making a selection with careful note what the goods were, the prices of which had been enhanced,' Prof. Kennedy. (Cf. his Studia Sophoclea, i pp. 69—71.) S.]

25. ἀνεκένθαι [Intransitively. 'Had given way, relaxed, slackened.' Both this and the preceding word (see § 13) are borrowed from the tuning of a lute.

§ 26. Thirdly, it is nothing to us if other lenders consented to take less than their due. We did not consent, nor agree to the voyage to Rhodes at all. We abide by the words in the bond, which we still hold to be binding on them.

§ 27. The bond specifies a penalty, and if you have incurred it, then you are bound to pay it. It is a self-imposed obligation, and therefore you cannot evade it. You must prove to the judges either that we can claim no rights by the bond, or that you are not bound to act according to it.
χρήματα. ταύτ' εἰ μὲν πεποίηκας, οὔδεν ἄδικεὶς, εἰ δὲ μὴ πεποίηκας μηδὲ κατακεκόμικας τὴν ναύν 'Αθήναξ, προσήκει σε ζημίωσθαι τῷ ἐπιτιμῷ τῷ ἐκ τῆς συγγραφῆς. τούτο γὰρ τὸ δίκαιον οὐκ ἂλλος οὐδεὶς, ἂλλ' αὐτὸς σὺ σαντῷ ὤρισας. δεῖξον οὖν τοῖς δικασταῖς δυὸν θάτερον, ἡ τὴν συγγραφὴν, ὡς οὐκ ἔστιν ἡμῖν κυρία, ἡ ός οὐ δίκαιος εἰ πάντα κατὰ ταύτην πράττειν. 28 εἰ δὲ τινὲς ἀφείκασί τι σοι καὶ συγκεχωρίκασί τοὺς εἰς 'Ρόδον τόκοις ὅτι ὅτι πρός πεισθέντες, διὰ ταύτα οὔδεν ἄδικεὶς ἡμᾶς, οὐσ παρασυνγγεγράφηκας εἰς 'Ρόδον καταγαγῶν τὴν ναύν; οὐκ οἴομαι γε' οὐ γὰρ τὰ ύφ' ἐτέρων συγκεχωρημένα δικὰ ἐσθισίν οὖτοι υἱῶν, ἄλλ' τὰ ὑπ' αὐτοῦ σοῦ πρὸς ἡμᾶς συγγεγραμμένα. ἐπεὶ ὅτι γε καὶ τὸ περὶ τὴν ἄφεσιν τῶν τόκων, εἰ ἄρα γέγονεν οὐσ οὐτοὶ λέγουσι, μετὰ τοῦ συμφέροντος τοῦ 29 τῶν δανειστῶν γέγονε, πᾶσιν ύμῖν φανερὸν ἐστὶν. οἱ γὰρ ἐκ τῆς Αἰγύπτου δανείσαντες τοῦτοις ἐτέροπλουν


§ 28. It does not follow that, because some have taken less than their dues, you do not wrong us by withholding ours. The question before the jury is not what they gave up, but what you engaged to pay. In fact, it is easy to see that the lenders in question really consulted their own interest. They could make more by taking the principal with part of the interest at Rhodes, and lending it for another voyage to Egypt.

The transitive sense of παρα-

συγγραφέων is irregular. It merely means 'to violate a bond.' But like many verbs of this sort, it takes an accusative of the person affected by the action. Compare συκοφαστεῖν, προξενεῖν τινὰ τινι (Or. 37 § 11, 53 § 13). It is intransitive, § 34. Similarly, in Or. 54 (κατὰ Κονά.) § 2, a man is said παραυδομοφασθαί, and in Παραπτ. § 198, one is said παροικεῖσθαι, and we have πλεονεκτεῖσθαι, ἀρσενοκρατεῖσθαι, δημοκρατεῖσθαι, &c.

29. οἱ γὰρ κ.τ.λ.] This serves as the subject to ἀφίκοντο, though it involves a change of subject in οὖτοι. But the writer intended some other construction in what follows than οὖνδὲ διέφηβεν αὐ-
tοῖς, e.g. ἥθελον οἵ κρείττον ἐνώμιζον.
τὰργύριον εἰς Ἀθηνᾶς, ὥς ἀφίκοντο εἰς τὴν Ρώδον καὶ τὴν ναῦν ἐκείσε οὕτω κατεκόμμασαν, οὐδὲν, αἰμαί, διεφερεν αὐτοῖς ἀφεμένοις τῶν τόκων καὶ κομισαμένοις τὸ δάνειον εἰς τὴν Ῥώδον πάλιν ἐνεργοῦν ποιεῖν εἰς τὴν 1292 Αἰγυπτίου, ἀλλὰ ἐλυσιτέλει πολλῷ μᾶλλον τούτῳ ἡ δεύρ' ἐπαναπλείων. ἐκείσε μὲν γε ἀκέραιοι τὸ πλοῦς, 30

7 Bekk. ἀφεμένοις Ζ εἰς Φθ.; ἀφιμένοις Σ.

γάρ ἀκέραιοι Ζ εἰς Φθ.Σ. γε ἀκαραιοῖς Bekk. ἀκέραιοι quidem neque tutus, neque identidem reintegratus, neque nunc quam interruptus usquam alibi valere videtur; ἀκαραιοῖ autem nil nisi aut momentaneus aut minutissimus significat. Fortasse igitur scribendum: ἐκείσε μὲν γάρ del ὦραιος οἱ πλοῦς (Hesiodi Op. 628, 663 ὀρᾶοι πλοῦς). Huic opponitur infra paraexāzēιες καὶ περιμένει τὴν ὥραλαν. Cf. Pindari Isthm. II 42 = 62 ἐπέρα ποτὶ μὲν Φάον θέραθας (ponto Euxino aestate tantum aperto), ἐν δὲ χειμῶνι πλέων Νεῖλον πρὸς αὐτάς (navigatione e Sicilia ad Ægyptum ne hieme quidem interclusa).—Hiberno silicet tempore proper maris Ægei procellas inter Athenas Rhodumque multo minus tuta est navigatio, quam inter Rhodum et Ægyptum, ubi ventus fere semper ab occasu solis spirat, in alterutram partem navigantibus satis commodus; aestatis autem tempore quadrantis dies e regione inter Boream Zephyrumque iacente (sc. e Rhodo ad Ægyptum) perflant Etesiae (J. Smith, Voyage and Shipwreck of St Paul, pp. 72, 76). Etiam χειμῶνος prope Cnidum (i.e. iuxta Rhodum) invenimus τὰς ἀπ' Ἀγυπτίου ὀλκάδας (Thuc. viii 35). J. E. Sandys.

τῶν τόκων] sc. τῶν ἐς Αθήνας, 'giving up the interest due from Rhodes to Athens.'

ἐπαναπλείων] 'To make the return voyage.' Or, 'to commence a new voyage to Athens' (Kennedy). 'Rursus evehi in altum, huc ut appellerent' (G. H. Schaefer).—ἐκείσε μὲν γε κ.τ.λ. 'For to Egypt the voyage might be made again and again, and they might have traded twice or thrice with the same money; whereas if they had come to Athens, they would have had to winter there, and wait for the sailing-season. So that in fact those lenders have made additional profit, and have not remitted any of their gains to benefit them. But, for our parts, so far is it from being a question about the interest, that we cannot get back even our principal.'

ἀκέραιοι] Properly 'pure' (Eur. Hel. 48, ἀκέραιοι λέχοι), or 'unimpaired,' ἀκ. δύναμις, Thuc. iii 3. But it seems here to take a later sense, analogous to εἰ ἀκεραίον, de integro, 'anev,' which is quoted from Polybius xxiv 4 § 10 ἵνα δὲ μὴ πάλιν εἰς ἀκεραίον περὶ πάντων ἀντιλέγοιεν,
καὶ δεὶς ἥ τρις ύπηρχεν αὐτοῖς ἐργάσασθαι τῷ αὐτῷ ἀργυρῷ· ἐνταῦθα δὲ ἐπὶδημήσαντας παραχειμάζειν ἔδει καὶ περιμένειν τὴν ώραίαν. ὡςτε ἐκεῖνοι μὲν οἱ δανεισταὶ προσκεκερδήκασι καὶ οὐκ ἀφεῖκασι τοῦτος οὐδέν· ἡμῖν δὲ οὐκ ὅπως περὶ τοῦ τόκου ὁ λόγος ἐστίν, ἄλλα οὐδὲ τάρχαία ἀπολαβεῖν δυνάμεθα.

Μὴ οὖν ἀποδέχεσθε τοῦτον φενακίζοντος ύμᾶς καὶ τὰ πρὸς τοὺς ἄλλους δανειστὰς πεπραγμένα παραβάλλοντος, ἄλλα ἐπὶ τὴν συγγραφὴν ἀνάγετ' αὐτὸν ἢ καὶ τὰ ἐκ τῆς συγγραφῆς δίκαια. ἦστι γὰρ ἐμοὶ τε λοιπὸν διδάξαι ύμᾶς τούτο καὶ οὗτος ἰσχυρίζεται τῷ αὐτῷ τούτῳ, φάσκων τὴν συγγραφὴν κελεύειν σωθείσης τῆς νεὼς ἀποδιδόναι τὸ δάνειον. καὶ ἡμεῖς ταύτα οὕτω

a Bekk. αὐτὴν Ζ εὐμ. Σ.

§ 31. Don't listen therefore when he tries to cajole you by comparing our conduct with the treatment that others receive, but bring him to book, and his obligation by the contract. I say, obligation; for we both allow that the matter turns on the clause, 'if the ship gets in safe.'

ἀποδέχεσθε] As frequently ἀνέχεσθαι, this verb takes a genitive, originally perhaps taken absolutely, 'when he says this, don't take it from him,' or 'don't bear it.' Cf. παραπρεσβ. (Or. 19) p. 345 fin., οὗτε τῶν τὰ τρόπαια καὶ τὰ ναιμαχία λεγόντων ἀνέχεσθαι. [For ἀποδέχεσθαι with the genitive, see Or. 27 Aphob. A § 59; 48 Olymp. § 51; Lysias 14 § 24; Deinarchus 1 § 113 μὴ ἀποδέχεσθε αὐτῶν. S.]

τὰ πρὸς τοὺς ἄλλους δ. πεπραγμένα] What other borrowers do (or perhaps, what he himself does) to other lenders. G. H. Schaefer explains παραβάλλοντος as παράδειγμα ποιομένου.
Either the ship was lost, or it got in safe. In the former case, you are exempted from all payment, and have no need to ask us to accept a part. In the latter case, why do you not pay what you promised? That the ship was not lost is proved by its being actually at sea, as well as by the defendants' own admissions; for they want us to accept a part on the ground that it was not lost, but only made part of the voyage.

Combined with ἀπόλωλε, this suggests the sense 'lost' rather than 'damaged' or 'spoiled' by springing a leak; though either gives a good sense.

See inf. § 46.

They, of course, say that we are violating the compact by pressing for payment though the ship has been lost. But surely it is they who do so much more plainly, by not sailing into the port agreed upon, by claiming a reduction of the interest though they sailed to Rhodes only, and by making much money through this contraband importation of corn to that mart.
eιρίσκεσθαι τῶν τόκων παρασυγγεγραφηκότες, καὶ αὐτοὶ μὲν πολλὰ χρήματ’ εἰργασμένοι παρὰ τὴν συνηγίαν τὴν εἰς Ὀδόν, τὰ δ’ Ἦμετερα χρήματ’ ἔχοντες καὶ 35 καρποῦμενοι δεύτερον ἐτος τούτι. καῖνότατον δ’ ἔστι πάντων τὸ γυγνόμενον τ’ μὲν γὰρ δάνειον τὸ ἀρχαῖον ἀποδιδόσιν ἦμιν ὡς σεσωσμένης τῆς νεὼς, τοὺς τόκους δ’ ἀποστερήσαι οἴσιται δεῖν ὡς διεθμαρμένης. καίτοι ἡ συγγραφὴ οὖχ ἔτερα μὲν λέγει περὶ τῶν τόκων, ἐτερα δὲ περὶ τοῦ ἀρχαῖον δανείσματος, ἀλλὰ τὰ δίκαια 36 ταύτα περὶ ἀμφοῖν ἐστι καὶ ἡ πράξεις ἡ αὐτῇ. ἀναγνωσθείς δὲ μοι πάλιν τὴν συγγραφὴν.

ΣΤΙΓΓΡΑΦΗ⁴.

’Ακούετε, ὁ ἄνδρες ’Αθηναῖοι’ ’Αθήνηθεν, φησίν, εἰς Αἴγυπτον καὶ ἐξ Αἴγυπτου ’Αθήνας. λέγε τὰ λοιπά.

ΣΤΙΓΓΡΑΦΗ⁸.

37 Ἰ’Ανδρεὶς ’Αθηναῖοι⁵, πάνω ἀπλοῦν ἐστι διαγρώναι

⁴ +[’Αθήνηθεν εἰς Αἴγυπτον καὶ ἐξ Αἴγυπτου ’Αθήνας.] Z. delevit Dobree.

⁸ +[σωθείσης δὲ τῆς νεῶς εἰς Πειραιᾶ.] Z. delevit Dobree.

FΣΦ. δικασταὶ Bekk. 1824.

ἐργάζεσθαι χρήματα] ‘To make money,’ is a close coincidence with our idiom, and is a phrase not uncommon.—παρὰ, ‘along of,’ i.e. through the carrying of corn to Rhodes.

§ 35. The very nature of the offer itself is unprecedented: they are willing to repay the loan because the ship arrived safe, but will not pay the interest because she did not (i.e. reach Athens). But the bond makes no such distinction between the principal and the interest.

tὸ δάνειον] Perhaps τοῦ δανειοῦ, which will be the genitive after both τὸ ἀρχαῖον and τῶν τόκων. So below it is probable that τοῦ ἀρχαῖου τῶν δανείσματος is the true reading, and that in § 37 δάνειον should be omitted after ἀρχαῖον. G. H. Schaefer would omit τὸ ἀρχαῖον—ἀρχαῖον—ἀρχαῖον. Mr Mayor (p. 252) has no difficulty in rendering the vulgate ‘the original debt.’ Possibly δάνειον in § 37 crept in from a gloss.

§§ 37, 38. The case then is very simple: the ship was not
lost, for they offer to pay in part; it did not sail back to the Peireaeus, and that is precisely our grievance, and the ground of this action. The defendant on his part says that is his reason for not paying the whole. But the bond says differently, and imposes a penalty for default.


[ΓΕῶν δὲ μὴ παράσχωσι τὰ υποκείμενα ἐμφανῆ καὶ  

1 ταυτης Ζ cum ΣΦ.  

1-1 'legendum ἡ ναῦς (ὅτι μὲν) σῶς ἐστίν, ut paullo ante p. 1292. utilia de hac re notavit Dindorfius ad (Dem.) paginam (Reiskianam) 61, 14 in editione minore' (p. xviii). Cobet, Misc. Crit. p. 514.  

k δὲ Ζ.  

υῶν ὑπὲρ ταυτης1 τῆς δίκης, καὶ οὐδὲν δεῖ λόγων πολλῶν. 1 ἡ ναῦς ὅτι μὲν σέσωσται καὶ ἔστι σφάλ, καὶ παρ’ αὐτῶν τούτων ὁμολογεῖται: οὐ γὰρ ἂν ἀπεδίδοσαν τὸ τε ἀρχαίον δάνειον καὶ τῶν τόκων μέρος τι. οὐ κατακεκόμισται δ’κ εἰς τὸν Πειραιᾶ. διὰ τοῦτο ἢμεῖς μὲν 1294 οἱ δανεισαντες ἀδίκεισθαι φαμεν, καὶ ὑπὲρ τοῦτον δικαζόμεθα, ὅτι οὐ κατέπλευσιν εἰς τὸ συγκείμενον ἐμπόριον. Διοινυσόδωρος δ’ οὐ φησιν ἀδίκειν δι’ αὐτὸ 38 τοῦτο: οὐ γὰρ δεῖν αὐτὸν ἀποδοῦναι πάντας τοὺς τόκους, ἐπειδὴ ἡ ναῦς οὐ κατέπλευσεν εἰς τὸν Πειραιᾶ. ἡ δὲ συγγραφὴ τί λέγει; οὐ μὰ Δ’ οὐ ταῦθ’ ἃ σὺ λέγεις, ὃ Διοινυσόδωρε. ἀλλ’ εὰν μὴ ἀποδιδόῃς τὸ δάνειον καὶ τοὺς τόκους ἡ μὴ παράσχῃς τὰ υποκείμενα ἐμφανὴ καὶ ἀνέπαφα ἡ ἄλλο τι παρὰ τὴν συγγραφὴν τοὺς, ἀποτίνευε κελεύει σε διπλάσια τὰ χρήματα. καὶ μοι λέγε αὐτὸ τοῦτο τῆς συγγραφῆς.

ΣΤΙΓΜΑΘΗ.

[ΓΕῶν δὲ μὴ παράσχωσι τὰ υποκείμενα ἐμφανῆ καὶ  

ταυτης Ζ cum ΣΦ.  

1-1 'legendum ἡ ναῦς (ὅτι μὲν) σῶς ἐστίν, ut paullo ante p. 1292. utilia de hac re notavit Dindorfius ad (Dem.) paginam (Reiskianam) 61, 14 in editione minore' (p. xviii). Cobet, Misc. Crit. p. 514.  

κ δὲ Ζ.  

lost, for they offer to pay in part; it did not sail back to the Peireaeus, and that is precisely our grievance, and the ground of this action. The defendant on his part says that is his reason for not paying the whole. But the bond says differently, and imposes a penalty for default.

λόγων πολλῶν] Perhaps ποικίλων, as opposed to ἀπλῶν. The same antithesis occurs in Eur. Phoen. 469, ἀπλῶς ὁ μάθος τῆς ἀληθείας ἐφί, κάν ποικίλων δεῖ 

τάνδιχ’ ἐμφανεμάτων. [Dem. 9 §§ 87, οὔδεν ποικίλων οὔδε σαφόν, 29 § 1, el μὲν ἐδείτο λόγον τινὸς ἡ ποικίλια contrasted with ἀπλῶς δεῖ διδάξαι καὶ διηγήσασθαι. S.] 38. ἀνέπαφα] This word is technically used of goods not seized or intercepted by pirates. See Or. 35 (πρὸς Λακρ.) §§ 11, 24. In Aesch. Suppl. 809,’Επαφος ἀληθείς ῥυσίων ἐπώνυμος (if the verse is genuine), the meaning is that the name was given from ῥυτίων ἐφάπτεσθαι, ‘to lay hands on booty.’
§§ 39, 40. We have never seen the ship that was mortgaged to us from the day we lent you the money, though you say she is 'all right,' she put in at Rhodes and was overhauled, and so was made tight. Then why did she not come to Athens? It was not for want of many urgent requests on our part.

παρέσχηκας] This seems one of the Ionic forms, like τετθύρχηκα, formed as from (σχέω) σχήσω, (τυχέω) τυχήσω. See Or. 40 § 54. The epic perfect of ἔχω is ὑχώ, if the Homeric language is in all cases genuine.

40. καὶ γὰρ τοῦτο] So τεκμήριον δὲ is often used absolutely, i.e. without any verb. Mr Mayor refers to Holmes' note on De Coron. p. 268, § 122, where the same formula occurs, and p. 48, l. 15, p. 442, l. 7, p. 568, l. 12, are compared, with ἐπεί κάκεινo in p. 1097, l. 5, ἐνθυμητέον being mentally supplied.

ἐπισκέπαστας] the technical term for repairing a ship. (Lit. 'to put fittings to it'), inf. § 43. See Thuc. i 29, γευστάντες τι τἀς παλαιὰς ὅστε πλαύομεν εὑρεῖν καὶ τἀς ἀλλὰ ἐπισκέπαστας,' i.e. 'after putting new cross-bits to the old triremes, and repairing the rest.' The former word is wrongly rendered by Arnold 'undergirding,' and the latter not less wrongly in Liddell and Scott 'equipping,' 'fitting out.'
you owe us the whole sum twice over, by incurring the penalty, you have the face to refuse payment even of the interest, and you tell us to be content with that to Rhodes, as if your order, forsooth, was to have greater weight than the bond. Again, you have the face to say, 'she did not get safe in to the Peiraeus.' Well, through whose fault? Was it ours, who required that it should go back or was it theirs, who wilfully and from no necessity at all took it to Rhodes?

'Dictation.' Like επεταττεν in § 16, an invidious word contrasted with συγγραφῆς. Similarly, in Isocr. Paneg. § 176 the Peace of Antalcidas is declared to be no equitable com-

pact (συνθήκαι), and is denounced as dictated (προστάγματα) by the king of Persia. S.]

ἀποθανόντος. The legal penalty for not producing the security was death. See Or. 34 § 50.

42. εκόντες καὶ οὐκ ἐκ ἀνάγκης] So Aesch. Eum. 520, ἐκῶν ἀνάγκας ἀτέρ δίκαιον ἕν.

§ 43. If the ship really sprung a leak by mere accident, as soon as she had been repaired, he should have taken her to Athens, to make amends for the delay and the inconvenience. But so far from doing that, he did a greater wrong still, and then, as if in mockery of you, he comes into court, thinking that at the worst, he can only be condemned to repay the loan, and that he shall evade the penalty.
ós úmás ápéstellon, épavonobómenoi to úkoúσion συμ-
ptwma. vún δ' οὔχ όπως épavonoùsasanto
m, álλα πρός
tois ex áρχής ádikímasei polloí meízò proσeξηματι-
kasi, kai ὁσπερ ἐπὶ καταγέλωτι ἀντιδικούντες εἰςελη-
lύθασιν, ὁς ἐπ τοῦτοις ἐσόμενοι, ἐὰν καταψηφίσησθε
αὐτῶν, τάρχαια μόνον ἀποδοῦναι καὶ τοὺς τόκους.
44 úméis oðn, ὃ ἀνδρεῖς Ἀθηναίοι, μὴ ἐπιτρέπετε τοῦτοις
oúτωs ἔχουσι, μηδ' ἐπὶ δυνών ἀγκύρασι ὀρμείν αὐτοὺς
m ἐπηνωρθώσαστο Z. (Cf. Veitch, Gk. Vls.)
tois Bekk. 1824 cum Aγ'.
1296 ἐάτε, ὃς, ἦνο μὲν κατορθῶσι, ταλλότριον ἐξοντας, ἦν ὃς ἰδιούντων ἐξαπατήσαι ὑμᾶς, αὕτα τὰ ὀφειλόμενα ἀποδόσοντας. ἀλλὰ τοὺς ἐπιτιμίους ἤπιοντε τοὺς ἐκ τῆς συγγραφῆς. καὶ γὰρ ἄν δεινόν ἐν ἀὑτοὺς μὲν τοὺς διπλασίαν καθ' ἀὑτῶν τὴν ἤμιαν γράφασθαι, ἦν τι παραβαίνοσι τῶν ἐν τῇ συγγραφῇ, υμᾶς δ' ἠπιστερῶς ἔχειν πρὸς ἀὑτοὺς, καὶ ταύτ' ὦν ἦπτων ἴμων συνιδικήσεως.

Τὰ μὲν οὖν περὶ τοῦ πράγματος δίκαια βραχέα 45 ἐστὶ καὶ εὐμνημόνευτα. ἐδανείσαμεν Διονυσοδώρῳ τοῦτο καὶ τῷ κοινωνῷ αὐτοῦ τρισχιλίᾳ δραχμαῖς Ἀθηναῖοι εἰς Αἰγυπτόν καὶ εξ Αἰγυπτοῦ Ὄλυμπας εἰς Ἀγρυπτῦν καὶ ἐξ Αἰγυπτοῦ Ἀθηναῖος, οὐκ ἀπειλήσαμεν τὰ χρήματα οὐδὲ τοὺς τόκους, ἀλλ' ἐξουςὶ τὰ ἴμετέρα καὶ ἤρωται δεύτερον ἐτος: οὐκοτακεκομίκασι τὴν ναῦν εἰς τὸ ἴμετέρον ἐμπόριον οὐδέπω καὶ νῦν, οὐδ' ἴμων παρεσχήκασιν ἐμφανή: οὐκ ἴμην συγγραφῇ κελεύει, εἀν μὴ παρέχωσιν ἐμφανή τὴν

Ο Ἀ' Στ. ἀν Ζ.

110, καὶ πάντες ἐπὶ δυὸν ὀρμεών ἐδέχαν οἱ Ἐλληνες, where the Scholiast observes ἐστὶ ἐκ μεταφοράς τῶν πλεύσων, ὅταν ἡ δυσίν ἀγκρίας ὀρμητών ὡς ὃντων ἐλλειμένωσι μὲν, προσχρώντας δὲ καὶ ἄγκρις διὰ πλεύσων ἀφάλειαν. Propert. Π 22, 41 'nam melius duo defendunt retinacula navim.' S.]

ἐξαπαθής Α' petito principii, like parakr̓σασθαί in § 18.

αὐτὰ τὰ ὀφειλόμενα] 'Merely the debt owed,' without the ἐπιτυμίων.

οὐχ ἦπτων ἴμων] Because the taking corn to Rhodes against the laws was a public offence.

§ 45. Recapitulation. Principal points;—the loan was made on clear conditions; it has not been repaid; the ship has never been produced; there is a fine specified for this neglect, and the right of enforcing it rests with one or both partners.

εὐμνημόνευτα] 'Easily recalled to memory':, an ambiguous term, meaning either, 'readily recounted by the speaker,' or 'readily remembered by the hearer.' It is almost certainly the latter, and this is supported by Aristot. Rhet. Π 13, where it is said that the ἐπιλογος, one of the objects of which is recapitulation (ἀναμνῆσαι τὰ προειρημένα, ib. 19), is unnecessary in a forensic speech ἐὰν μικρὸς ὁ λόγος ἐκ τῶν πράγμα εὐμνημόνευτον. S.]
naivn, ἀποτίνειν αὐτοὺς διπλάσια τὰ χρήματα, τὴν δὲ 46 πράξειν εἴναι καὶ εἷς ἐνὸς καὶ εἷς ἀμφῶν. ταύτ᾿ ἔχοντες τὰ δίκαια εἰσεληλύθαμεν πρὸς ύμᾶς, ἀξιοῦντες τὰ ἡμέτερα αὐτῶν ἀπολαβεῖν δι᾿ ύμῶν, ἐπειδὴ παρ᾿ αὐτῶν τούτων οὐ δυνάμεθα. οἱ μὲν παρ᾿ ύμῶν λόγος οὔτός ἐστιν, οὔτω δὲ δανείσασθαι μὲν ὄμολογούσι καὶ μὴ ἀποδεδωκέναι, διαφέρονται δ᾿ ὅσι δὲ δεῖ τελεῖν αὐτοὺς τοὺς τόκους τοὺς ἐν τῇ συγγραφῇ, ἀλλὰ τοὺς εἰς Ῥόδον, οὓς οὔτε συνεγράψαντο οὕτ᾿ ἑπεισαν ἡμᾶς.

47 εἰ μὲν οὖν, ὁ ἀνδρὲς Ἀθηναῖοι, ἐν τῷ Ῥοδίῳ δικαστηρίῳ ἐκρινόμεθα, ἴσως ἀν οὔτοι ἐπλεονέκτουν ἡμῶν, σεσυνηγηκότες πρὸς αὐτοὺς καὶ καταπεπλευκότες τῇ 1297 νη ἐις τὸ ἐκεῖνων ἐμπόριον· νῦν δ᾿ εἰς Ἀθηναίους εἰσεληλύθατε καὶ συγγραφάμενοι εἰς τὸ υμέτερον ἐμπόριον οὐκ ἄξιοῦμεν ἑλπτοθῆναι ὑπὸ τῶν καὶ ἡμᾶς καὶ ύμᾶς ἡδικηκότων.

48 Χωρὶς δὲ τούτων, ὃ ἀνδρὲς Ἀθηναῖοι, μὴ ἀγνοεῖτε ὅτι νυνί μίαν δίκην δικάζοντες νομοθετεῖτε ύπὲρ ὅλου τοῦ ἐμπορίου, καὶ παρεστάσι πολλοὶ τῶν κατὰ θά-

46. διαφέρονται, ἀμφισβητοῦσι] See § 32.

§ 47. If this trial were held in a court at Rhodes, perhaps they would have an undue advantage over us, as having frequented that mart, and being known there as corn-factors. But now, as we drew up the compact expressly for your mart, we expect not to be losers by men who have wronged us privately and you publicly.

συγγραφάμενοι] viz. στηγεῖν or καταπλέουσα.

οὐκ ἄξιοῦμεν] 'We hardly expect that you will give the advantage to persons who have wronged you as well as our-

selves.' Kennedy. Lit. 'we expect not to be worsted (come off worse) by,' &c. See on § 17.

§ 49. But besides the above arguments in our favour, the present case is anxiously watched by many other merchants; and if their interests are protected, and you show no tolerance for fraud, these men will lend money more freely, and this again will tend to increase your mart.

παρεστάσι] So also in Or. 54 § 41 we have a pointed allusion to the bystanders in court, ύμῶν ἐνεκα, ὃ ἀνδρὲς δικασταῖ, καὶ τῶν περιστηκότων.
laatna ἑργάζεσθαι προαιρουμένων ὑμᾶς θεωροῦντες πῶς τὸ πράγμα τούτῳ κρίνετε. εἴ μὲν γὰρ ὑμεῖς τὰς συγγραφὰς καὶ τὰς ὀμολογίας τὰς πρὸς ἀλλήλους γνωμένας ἱσχύρας οἰήσεσθε τεις εἶναι καὶ τοῖς παραβαίνουσιν αὐτὰς μηδεμίαν συγγρώμην ἔξετε, ἐτοιμότερον προῆσονται τὰ ἐαυτῶν οἱ ἐπὶ τοῦ δανείζειν οὖντες, ἐκ δὲ τούτων αὐξηθῆσεται ύμῖν τὸ ἐμπόριον. εἴ 49 μέντοι ἐξέσται τοῖς ναυκλήροις, συγγραφὴν γραφαμένοις ἐφ’ ὑ τε πλεῖν εἰς Ἀθῆνας, ἐπειτα κατάγειν τῇ ναῦν εἰς ἑτερα ἐμπόρια φάσκοντας ῥαγνάκει καὶ τοιαύτας προφάσεις ποριζομένους οἰαιστερ καὶ Διονυσίωδρος οὐτοσὶ χρῆται, καὶ τοὺς τόκους μερίζειν πρὸς τὸν πλοῦν ὃν ἀν φήσωσι πεπλευκέναι, καὶ μὴ πρὸς τὴν συγγραφὴν, οὐδὲν κωλύσει ἀπαντα τὰ συμβόλαια διαλύσθαι. τὸς γὰρ ἐθελήσει τὰ ἐαυτοῦ προέσθαι, 50 ὅταν ὁρᾶ τὰς μὲν συγγραφὰς ἀκύρους, ἱσχύνοντας δὲ τοὺς τοιούτους λόγους, καὶ τὰς αἰτίας τῶν ἡδικηκότων ἐμπροσθεῖν οὕτας τοῦ δικαίου; μηδαμῶς, ὃ ἀνδρείς δικασταί, οὐτε γὰρ τῷ πλῆθε τῷ ὑμετέρῳ συμφέρει τοῦτο οὖντε τοῖς ἑργάζεσθαι προηγημένοις, οὔπερ χρησι—

—§ 1, and inf. 50.

perhaps κρίνετε, which is a marginal reading in the Paris edition and was preferred by Reiske.

ἐπὶ τοῦ δανείζεων] In the profession or practice of money-lending.—αιξηθῆσεται τὸ ἐμπόριον, cf. 34 § 52.

§§ 49, 50. If on the other hand, ship-owners may violate their bond and take their ship to any port under pretence of its being disabled, and then apportion the interest due to the voyage sailed, there will be an end of all obligation by contract. No man will lend his money if he sees that such lame excuses have weight in court. This is not to your interest, nor to that of traders, who are most important members of the state, and therefore should be protected.

καὶ μὴ πρὸς τὴν συγγραφὴν] Supply ἀποδοῦναι.

50. αἰτίας] The pleas or reasons.
μώτατοι εἰσὶ καὶ κοινῇ πᾶσιν ύμῖν καὶ ἰδίᾳ τῷ ἐν-
τυγχάνοντι. διόπερ δεῖ ύμᾶς αὐτῶν ἐπιμέλειαν ποι- 1298
eἰσθαί.

Ἐγὼ μὲν οὖν, ὅσαπερ οἷός τ' ἦν, εἰρήκα· ἀξιῶ δὲ
καὶ τῶν φίλων μοὶ τίνα συνειπεῖν. δεῦρο, Δημόσθενες.

τῷ ἐντυγχάνοντι] 'To all who have dealings with them.'
See 34 § 51.

dεῦρο, κ.τ.λ.] See Or. 34, ad fin., καλῶ δὲ καὶ ἄλλον τινά
tῶν φίλων, ἐὰν κελεύητε. [Or. 58 (Theocrin.) ad fin.
βοήθησον ἡμῖν ὁ δεῦρα, εἰ τι εἰσεί, καὶ σὺ-
νειπε. ἀνάβησθι. Blass, Att. Ber. iii 524, suggests that the pre-
sent speech originally ended

with δεῦρο ὁ δεῦρα, and that, on
the speech finding its way in-
to the Demosthenic collection,
ὁ δεῦρα got altered into Δημό-
σθενης. A. Schaefer, on the
other hand, supposes that it was
the mention of Demosthenes
that led to its being included
among his works (in 2, 314).
See Introd. ad fin. S.]
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