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SELECT PRIVATE ORATIONS

OF

DEMOSTHENES.

PART I.
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SELECT PRIVATE ORATIONS
(of)

DEMOSTHENES

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

WITH

INTRODUCTIONS AND ENGLISH COMMENTARY

BY

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WITH SUPPLEMENTARY NOTES BY

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EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.

SECOND EDITION, REVISED.

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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 *Ausgewaehlte Reden des Demosthenes* (ed. 2, 1865). Mr Penrose’s selection included the Speeches against *Aphobus*, *Onetor*, *Zeemothemis*, *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* (1860); 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 Beredtsamkeit*, 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 con-
nexion with real causes that have come before the Attic
courts.

It may be added, that there can be no better intro-
duction 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 Ἀθηναίων, a form of spelling retained on the coins of Athens long after Ἥ 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, γαλαίκης ύμᾶς οὔσος ἐπιλείψουσι Λαυρεωτικαί). Photographed from a cast of the specimen (π. 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 π β 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 ΠΕΤΑ. [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 τὸν πόλιτον ὁ οἶνος εἰσάγεται ἐκ Πεπαρήθου καὶ Κῶ καὶ Θάσιος καὶ Μενδαίος. Its vines are referred to in Soph. Philoct. 548 τὴν εὐβοτρυν Πεπάρθου, and in Heraclides Ponticus, Allegoriae Politicae, 13 αὐτὴ η νῆσος εὔνοιος ἐστὶ (cf. Plin. N. H. 14 § 76). It has been identified with the island now named Σκοπέλου (Bursian, Geogr. π 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, π 597).
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 οἶνον...Θασίον καὶ Μενδαίον καὶ Δεσίδιον, viii 364 d (Menander) Μενδαίον, Θάσιον, and xi 784 c. Alciphron iii 2 describes an Athenian supper including στάμμα τοῦ Μενδησίου, νέκταρος εἶποι τίς ἄν, πεπληρωμένα, and Eubulus (ap. Athen. i 23 a) makes a toper swear μὰ Δία Μενδαίον (Leake le.). Or. 35 § 35 οἶνος...Μενδαίος.

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; vii 364 d. Or. 35 § 35 οἶνος...Θάσιος.

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 the *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 Φώκας. 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 Φώκας.

6. **Electrum Stater of Cyzicus**, in the Propontis off the coast of Mysia. *Obverse*; in the centre is the ὀμφαλὸς 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 χρυσόν Δίος αἰτήσιν οὐκ ἀποδάμων Ἀπόλλωνος τυχόντος θέα 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 Eckel, Num. Vet., Prolegomena ix p. xili—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 στατηρίας Κυζικηνοῦς and cf. Or. 35 § 36 ἔκατον στατηρίας Κυζικηνοῦ. 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 246½ 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, in 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 ms. 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.

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

γρ. A contraction for γραφεται, 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,

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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 twentieth of the same Book, on Loans upon Bottomry. [Cf. K. F. Hermann, Lehrbuch der Griechischen Privatalterthümer § 49, notes 5 to 8 = p. 459 ed. Blümner; 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 παραγραφὴ, 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 (εἴθυδικία).

The Phormio in this suit πρὸς Φορμίωνα is quite a distinct person from the Phormio in Or. 36, νπερ 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, Demosthenes 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 ἐμπορὸς δανεῖζεται παρὰ Χρυσίππου μνῆς 905 εἰκοσι πλέων εἰς Βόσπορον. ἀφικόμενος δὲ ἐκείσε κατέλαβεν ἀπρασίαν τῶν φορτίων ὅν ἐκόμιζε. διόπερ τοῦ ναυκλήρου Λάμπιδος ἀποπλεῖν βουλομένου Ἀθή- πρὸς Φορμίωνα περὶ δανείου] The speech is quoted under the same title in Pollux ix 45, ἐν τῷ πρὸς Φορμίωνα περὶ δανείου. Harpocratio, however, in explaining the use of ἐπεθηκαμεν in § 28, s.v. ἐπιθέτους ὑπάρχει, gives the fuller and more accurate title ὑπὲρ Χρυσίππου πρὸς τὴν Φορμίωνος παραγραφῆς, which is also found at the end of the speech in the Paris ms, and at the beginning in the Augustanius primus. Harpocr. s.v. ἐφεκτος τοκος, quoted on § 23, has the shorter title ἐν τῷ ὑπὲρ Χρυσίπ- που. 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 ῥοῦπος, 'trash,' in a fit of ill-temper at his failure, inf. p. 910 init., § 9.

ibid. ὅν 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 καταλογος βιβλιων ὅν ἐχομεν or ἂ ἐχομεν, but not ὅν χρώμεθα, because ὅν may represent ἂ, but not ὅν.

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 ὅ δεισσότης τοῦ πλοίου. Lampis, however, was only a slave (§ 5), and perhaps was representing his master. [Cf. Lact. crit. § 33 (μαρτυρία) Ἰβλησίας ἐ- ναυκλήρει...κοινωνεῖν δὲ καὶ αὐτὸν τῆς νεώς Ἰβλησίως, καὶ ὑμ- πλεῖν εαυτοῦ οἰκέτας ἐν τῇ νη.] Arnold Schaefer, Demosthenes und seine Zeit (iii 2. 305), quotes Bekker's Anecdota, p. 282, ναυκληρος σημαίνει μὲν καὶ τὸν τῆς νεώς κύριον, σημαίνει δὲ καὶ τὸν ἐπιπλέοντα αὐτῆς ἐφ' ὧ τὰ νάυλα λαμβάνει. S.]
5 ναζε, καὶ κελευντος αυτου ενεθεσα τη νη τα αγορασματα των χρηματων των παρα Χρυσιππου (τουτο γαρ εφραζεν η συγγραφη) ουτε φορτων τινα ενεθετο ουτε αργυριου, ἂλλε ἐφη πρὸς τὸν Λάμπιν αδυνατως ἔχειν ἐν τῳ παροντι ποιῆσαι ταυτα, μικρὸν δ' ύστερον το εφ' ετέρας εκπλευσεθαι νεως άμα τοις χρημασιν. η μὲν ουν του Λάμπιδος ναυδ' αναχθείσα διαφθειρεται, και μετ' ολγων ο Λάμπις εν τῳ λέμβῳ σωζεται, και αφικόμενος Αθηναζε μηνυει Χρυσιππῳ το ευτυχημα του Φορμιωνος, ως απελειφθη το εν τῳ Βοστόρῳ και 15 εις την ναυν ουδεν ενεθετο. δ' δε Φορμιων, καταπλευσας ύστερον και το αργυριον απαιτουμενος, το μεν πρωτου, ως εφη Χρυσιππος, και οφειλειν ωμολογει και αποδοσειν υπισχυετο, επειτα ως αποδεδωκως Λάμπιδι μηνεδ' οφειλειν ελεγε την γαρ συγγραφην και κελευνειν παθουση τι κατα θαλατται της νεως απηλ-λαχθαι του οφληματος τον Φορμιωνα. ελαχειν ουν δικην αυτῳ δ' Χρυσιππος. δ' δε παρεγραφατο. και

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

12. εν τῳ 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. τη γαρ 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. παρεγράφατο] 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.
Δάμπτις ἐμαρτύρησε παρὰ τῷ διαδικητῇ ὡς ἀπειληφώς εἰς παρὰ Φορμίωνος ἐν Βοσπόρῳ ὁ τὰ χρήματα καὶ 25 ἀπολογείταις μετὰ τῶν ἄλλων ἐν τῇ ναυαγίᾳ. προτερον δὲ τάναντια τούτων εἰρήκει πρὸς Χρύσιππον, ὡς 906 οὐδὲν ὁ Φορμίων εἰς τήν ναυήν ἐντέθηκεν. ἐλέγχοιμενος δὲ ἐπὶ τούτοις ὁ Δάμπτις ἐξέστηκέναι τότε ἐφήσεν, ὅτε ἐκεῖνα πρὸς τὸν Χρύσιππον ἔλεγε. τούτων ἀκούσας ὁ 30 διαδικητής καὶ μήδεν ἀποφημάμενος εἰς τὸ δικαστήριον τὸ πράγμα πέπομφε. καὶ ὁ ἁγὼν ὀνόματι μὲν ἐστὶ παραγραφικὸς, τῷ δὲ ἀληθεῖ τὴν εὐθείαν ἐν γάρ καὶ ὁ ρήτωρ κατ' ἀρχὰς ἐπισημαίνεται ὡς οὐκ

23. παρὰ τῷ διαδικητῇ] 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 ψευδομαρτυρία given before an arbitrator.

27. ἐντεθεΐκεν] This perfect is one of the middle-Attic forms. It occurs first in Eur. El. 7, ὑψηλῶν ὃ ἐπὶ νηών τέθεικε σκῦλα πλείστα βαρβάρων, with which compare παρείκεν, the perfect of παρήκμι, in Hel. 1059. ἀφεικότα occurs Or. 37 § 1. For the (generally) medial use of τέθεικεν see inf. § 16.

28. ἐξέστηκέναι] That he was out of his sober senses—not himself, as we say. [οὐκ ἐντός ὁν ἀιτοῦ, §§ 20, 35, 49. Eur. Bacch. 359, μέμηνας ήδη καὶ πρὶν ἐξέστης φρενών. S.]

29. ἐκεῖνα] 'that other account.'

30. οὐδὲν ἀποφημαμένος] 'Without delivering judgment.' In classical Greek, of course, οὐδὲν would be required. Cf. ὃι μὴ inf. 44.—πέπομφε, a rather rare perfect (Thuc. vii 12). Perhaps πέπομφε, or ἐντεθείκεν, '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. τῷ εὐθείᾳ γίγνεται] It takes the course of an ordinary or regular action, εὐθυδοξία. The accusative here is strangely and irregularly used, and perhaps παρὰ 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.—τῷ 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 *paraγραφή*, 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. *τετήρηται* '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 Libanins) 'that the second speech begins at *άκοουσας*, &c. (§ 21). Anyhow, it is clear that they are partners who bring this action against Phormio.'
who can bear a loss if it is a just and unavoidable one, and not suitor or lover of law.

ἐν τῷ μέρει] ‘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 τοῦ 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.

ίδιωτα] Unprofessional as far as the art of speaking is concerned. [Cf. Isocr. Paneg. § 11, τῶν λόγων τοῖς ύπερ τῶν ἵδιωτας έχον οἱ προφήται τοῖς ἕτεροις, and ib. § 44 n. S.]

πολὼν χρόνον, κ.τ.λ.] ‘Long as we have been in the habit of coming into your market, and many as 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.’

συμβόλαια] 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 περὶ τὰ συμβολαία ἀμφίσβητεται. Enn. Ion 411, ἂ τε νῦν συμβολαία πρόσθεν ἐν ἐσπαίδα τοῦ σώμ. μεταπέσοι βελτίων. See Or. 37 § 49, and 33 § 3, ὅσα ἐμοὶ καὶ τούτῳ ἐγένετο συμβόλαια.

2. οὗτ' ἄν—οὐκ, χ.τ.λ.] In this sentence the οὐκ is superfluously repeated after the οὗτε, by a not very common idiom. We might have expected καὶ νῦν—οὐκ ἄν ποτε ἐλάχιστον κ.τ.λ., but the negative sentence is continued, οὐδέμειν πόσοτε δίκαια εἰσήθομεν, οὗτ' ἄν νῦν—ἐλάχιστον, and the second οὐκ is added before the verb in order to carry the favourite combination οὐκ ἄν, the simple verb ἐλάχιστον being too far removed from the preceding οὗτ' ἄν νῦν. Compare Mid. p. 557, § 129, οὐδ' εἰ τὸ παρ' ἀμφοτέρων ημῶν ὑδαρ ὑπάρξειτο,—οὐκ ἂν ἐξαρκεῖσθαι. Aesch. Agam. 1612 (1634 Dind.). ὁς οὗθ' (τοίος οὐκ ἐπετειλ' τοῦ ἔβολευσας μόρον, ἀράσαι τὸδ' ἐργον οὐκ ἐτήνα αὐτοκτόνως. 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 τάν' ὡς ἀν εἰπής, 'however you may speak of my conduct') by the repetition of μὴ immediately before the verb.

Not unlike this is Or. 37 § 59, οὐδὲ γε αν ὁ παθὼν αὐτὸς ἀφή—οὐδὲν τὸν λοιπὸν συγγενῶν ἔξεστιν ἐπεξεύρεσαι. There is another instance in Androt. p. 603, Or. 22 § 32, εν ταῖς διεγραφίαις, οὐδ' ἂν ὠσ' ἐτ' Ἀνδροτίωνος τινες αϊσχιν βεβιωκότες. οὐκ ἔστι λέγειν κακῶς τοὺς ἄρχοντας. In other cases (Or. 37 § 16) the οὐδὲ 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 σκυρφάντας. So Or. 54 § 5, λοιδορηθέντος αὐτοῦ ἐκείνου καὶ κακισάντος αὐτοῦς. Mid. § 73, οἱ τὸν μὲν κακεῖν ὦς ἔπραξε—ἐμελλόν. Eur. Ion 984, οἰμοι, κακίζει.

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

to μὴ βοηθήσας] 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, εὐθυδίκη, in which the action relies solely on the merits of the case.

καὶ γὰρ οὕτω] 'For even the defendants,' i.e. Phormio and Lampis.
νοῦται μὴ γενέσθαι εν τῷ ἑμπορίῳ τῷ ὑμετέρῳ, ἀλλ' οὐκέτι εἶναι φασὶ πρὸς ἑαυτοὺς οὐδὲν συμβόλαιον:

908 πεποιηκέναι γὰρ οὔδεν ἔξω τῶν ἐν τῇ συγγραφῇ γεγραμμένων. οἱ μὲν οὖν νόμοι, καθ' οὓς ὑμεῖς δικασταὶ 4 κάθησθε, οὐχ οὗτοι λέγονσιν, ἀλλ' ὑπὲρ μὲν τῶν μὴ γενομένων ὅλως συμβολαίων Ἀθηναίοι μηδ' εἰς τὸ Ἀθηναίων ἑμπορίῳ παραγράφεσθαι δεδώκασιν, εἰν de τις γενέσθαι μὲν ὀμολογῇ, ἀμφισβητῇ δὲ ὡς πάντα πεποίηκε τὰ συγκείμενα, ἀπολογεῖσθαι κελεύουσιν εὐθυδικώς εἰς ἑαυτῶν, οὐ κατηγορεῖν τοῦ διώκοντος. οὐ μήν ἀλλ' ἔγγορε ἐλπίζω καὶ εξ αὐτοῦ τοῦ πράγματος δεῖξειν εἰσαγόγημι τὴν δίκην οὖσαν. σκέφασθε δ', ὧς 5 ἄνδρες Ἀθηναίοι, τὰ ὀμολογεῖται παρ' αὐτῶν τούτων καὶ τὰ ἀντιλέγεται οὔτω γὰρ ἄν ἄριστα ἑξετάσατε. οὐκοῦν δανείσασθαι μὲν τὰ χρήματα ὀμολογούσι καὶ συνθήκας ποιήσασθαι τοῦ δανείσματος, φασὶ δ' ἀποδεδωκέναι τὸ χρύσιον Λάμπιδι τῷ Δίωνος οἰκήτη ἐν Βοσπόρῳ. ἦμεις τοῖνυν οὐ μόνον τοῦτο δεῖξουμεν, ὡς οὖν

οὐδὲν συμβολαίον] ὡς obliga- by virtue of the con- tract.] Hesych. συνάλλαγμα.

4. οἱ μὲν οὖν νόμοι, κ.τ.λ.] Cf. Or. 32 (Zenoth.) §1 οἱ νόμοι κελε- 

ουσίν . . . τὰς δίκας εἶναι τοῖς ναυκλή- 

ροις καὶ τοῖς ἑμπόροις τῶν Ἀθηναῖοι καὶ τῶν Ἀθηναῖοι συμβολαίοι, καὶ περὶ ἃν ἄν ὧσι συγγραφεῖ. ἀν de τις παρὰ ταῦτα δικάσσηται, μὴ εἰσαγόγημι εἶναι 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, εν 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 παρα- γραφή), but I hope,' &c. Transla- 
t. 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 action- 

able.

5. συνθήκας ποιήσασθαι] They had contracts duly made to se- cure the loan.'
ἀποδέδωκεν, ἀλλ᾽ ὡς οὐδ᾽ ἐξῆν αὐτῷ ἀποδοῦναι. ἀναγκαίον δ᾽ ἐστὶ βραχέα τῶν ἐξ ἀρχῆς διηγήσασθαι ὑμῖν.

6 Ἔγῳ γὰρ, ὦ ἀνδρεῖς Ἀθηναίοι, ἐδάνεισα Φορμίωνι τούτῳ εἰκοσὶ μνᾶς ἀμφοτερόπλουν εἰς τὸν Πόντον ἐπὶ ἑτέρα ὑποθήκη, καὶ συγγραφὴν ἑδὲμνὴν παρὰ Κίττω

ἐ ἀπεδωκεν Σ. συμ Σ.

οὐδ᾽ ἐξῆν αὐτῷ] '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.

ἔγῳ γὰρ, κ.τ.λ.] 'I on my part lent the defendant twenty minae' (about £85) for the double voyage to Pontus and back, on the security of twice that amount of goods.' The meaning of ἐπὶ ἑτέρα ὑποθήκη has been doubted; but the context leaves it pretty clear that it is a brief legal term for ἐφ᾽ ἑτέρῳ τοσοῦτῳ. Cf. Or. 35 § 18, ἐδανεῖσα τῷ Ἱαμάν τὰς τράκεστρας μενᾶς, ὡς ὑπογραφής αὐτοῦ ὑποθήκης ἑτέρων τράκεστρας ὑμῶν. Phormio borrowed 20 minae = 2000 drachmae, and should have put on board goods worth 4000 drachmae, this transaction leaving an ample margin for a bad market, or for actual losses. Mr Joseph Bickersteth Mayor (in The Journal of Philology, vi p. 242) thinks the phrase means 'on a separate, distinct, independent security,' and to this he refers ὅτε γὰρ τὴν ὑποθήκην παρέσχετο in § 7, and ὑποθήκην οὐκ ἔχων in § 22. Would not this be ἐπὶ ἄλλην ὑποθήκη; (Compare however ἐφ᾽ ἑτέρας νεᾶς in § 9.) If the goods (of 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 ἐπ᾽ ἑλευθέρα ὑποθήκη, ‘on an unenumerated security.’ Cf. Or. 35 § 21 ὑπωτιθέσαι ταῦτα ἑλευθέρα, and § 22 ἐπ᾽ ἑλευθέρους τοῖς χρήμασι δανειζόμενοι. S.] ἀμφοτερόπλους] sc. δάνειον, 'For the double voyage, as ἑτέροπλου (§ 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.

ἑθέμνη] 'I deposited the bond with Kittus the banker.' [Possibly son of the Kittus mentioned in the τραπεζικὸς of Isoc. 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.

\[\text{eúdoς] 'At the very outset,' before he left the harbour—ἐπιδανείσται, 'he raises another loan on the same security.' This was illegal, as a second mortgage would be on property already mortgaged to its full value. Or. 35 § 21, μετὰ δὲ ταῦτ' ἐστιν ἐν τῇ συγγραφῇ ὅτι ὑποτίθεαι ταῦτ' ἐλεύθερα καὶ οὐδὲν οὐδὲν ὀφελοῦντες. \]

\[\text{Θεοδώρου] 'La traduction grecque du nom Phenicien Jonathan ou Nathaniel, ou du nom carthaginois Baalitan ou Mathanélim.' Dareste. S.]

\[\text{τῶν 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 metoikos and other taxes. Cf. Büchenschütz, Besitz und Erwerb im Griechischen Alterthume, pp. 443, 275, 362, and Isocr. Trapez. § 4, συστή-}

\[\text{σαιτός μου Πυθαδώρον τοῦ Φοίνικος Παϊσίων, ἐξοφυλάθη ἔτει τοῦ του-}

\[\text{του τραπέζης. S.]}

\[\text{7. καταγγέλλω] The word technically means 'to purchase goods against, or as a set-off to, a sum of money.' μνών ἐκατόν, 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 καταγγέλλω 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, ἐπιστικχισμός.

\[\text{[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}

\[i \text{δεκάπεντε Z. Reiske, approved by A. Schaefer, conjectures πεντάκοιτα. 'ortus est error lectionis ex errore librarri qui ΔΠ i.e. δεκάπεντε dedit pro \[H, πεντάκοιτα i.e. πεντάκοιτα.'}

\[h + δραχμᾶς Z cum Σ.}
Éμελλε τοῖς δανεισταῖς πᾶσι ποίησεν τὰ ἐν ταῖς συγγραφαῖς γεγραμένα, οὐ κατηγόρασεν ἄλλα ἢ πεντακισχιλίων δραχμῶν, σὺν τῷ ἐπιστισμῷ ὥφειλε δ’ ἐβδομήκοντα μνᾶς καὶ πέντε. ἀρχὴ μὲν οὖν αὐτῇ ἐγένετο τοῦ ἀδικήματος, ὥς ἀνδρεῖς Ἀθηναίοι οὔτε γὰρ τὴν ὑποθήκην παρέσχετο οὔτε τὰ χρή-

Ημέλλε σ.

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:

\[
\text{εἴκοσι} \; \text{μνᾶς} = 2000 \text{ dr.}
\]

\[
\text{καὶ ὑπὸ τὴν γραφήν} \; = 400 \text{ dr.}
\]

\[
\text{ἐνθέσθαι τετρακισχιλίων} = 4000 \text{ dr.}
\]

\[
\text{λίων φορτία ἄξια . . .} \; \text{ἐπιδανείσταται}
\]

\[
\text{παρὰ Θεοδώρου} = 4500 \text{ dr.}
\]

\[
\text{παρὰ Λάμπιδος} = 1000 \text{ dr.}
\]

\[
\text{11,500 dr.}
\]

\[
\text{= μναὶ ἕκατὸν δεκάπεντε.} \; \text{Shilleto, however, remarks that 115 minae ‘seems right.’ S.}
\]

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 δανεισμῶς plus the two ἐπιδανεισμοί, which latter it is not unreasonable to suppose were negociated on the same terms as the original δανεισμῶς (viz. security of a cargo of double value)."

There is some uncertainty as to how τοῖς δανεισταῖς 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 ἐπιδανεισμοί (5500) singly; thus leaving the original loan of 2000 (20 minae) from Chrysippus unsecured. See § 40. This is the πράγμα δεμότατον, 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.

\[\text{dΛ Δ} \] [This formula is used only after an actual or an implied negative. Cf. Isocr. Paneg. § 7 n. S.] Originally, it seems to have represented ἄλλο or ἄλλα τῇ. Cf. Ar. Pac. 475, οὐδ’ οἶδε γ’ ἐλκὸν οὐδέν ἀργείον πάλαι, dΛ Δ’ κατέγιναν τῶν ταλαιπωρομένων. σὸν] i.e. including the provisions for the crew, which should have been paid for in addition.

\[\text{όφειλε} \] He owes 7500 drachms to the three lenders, viz. 2000 + 4500 + 1000 = 7500 = 75 minae. 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
...mat' enèthet' eis tīn návīn, keleuoûsēs tīs svyngraphhīs epánagkhes èntîdeshei. kai moi lasē tīn svyngraphhīn.

ΣΤΥΓΓΡΑΦΗ.

Δαβέ δή kai tīn tōn pentηκοστολόγων ἀπογραϕήν kai tās μαρτυρίας.

ΑΠΟΓΡΑΦΗ. ΜΑΡΤΥΡΙΑΙ.

'Ελθὼν τοῖνυν eis tōn Bόσπορον, ἔχων ἐπιστολάς 8 παρ' ἐμοῦ, ὃς ἐδωκ' αὐτῷ ἀπενεγκεῖν τὸ παιδὶ τῷ ἐμῷ παραχειμάζοντι ἐκεῖ καὶ κοινωνῷ τῷ, γράψας ἐν τῇ ἐπιστολῇ τὸ τε ἀργύριον δ' ἐδεδανείκειν καὶ τὴν ύποθήκην, καὶ προστάζας, ἐπειδὰν τάχιστ' ἐξαιρεθῇ τὰ all the goods on board only covered the value of the ἐπιδανειμοὶ.

ἀπογραφήν] The entry made by the collectors of the two per-cent, 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 ἐκατοστάσις 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 ἐκατοστή was a harbour duty, separate from the custom duty or pentηκοστή. S.]

§§ 8, 9. Arrived at the Bosporus (Panticapaeum) he again acted fraudulently in not delivering the advice 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 ἐπιδανειμοὶ (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.

ὡς ἑδωκα] '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 παιδὶ means 'son' or 'slave,' but we have oûte τῶν παιδῶν τῶν ἡμέτερον oûte τῶν κοινωνῶν § 28, Δάμπιδι τῷ Δίωνος οἰκέτῃ § 5, and μετὰ τῶν ἄλλων παιδῶν τῶν Δίωνος inf. § 10.

τὴν ύποθήκην] 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 ἐξετάσεως is idiomatic. See Ar. Eccl. 728, ἤ γάρ δ', ὃ εἰς ἀγοράν γε τὰ σκευή φέρει, προχειρισθεῖται καὶ ἐκτάσεως τὴν ὀφθαλμ. 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 inf. § 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 (b.c. 349); ἀμά δὲ τούτοις πράττομένοι εν τῷ Πόντῳ Σπάρτακος ὁ τοῦ Πόντου βασιλεὺς ἐπέλευσεν ἄργας ἐτῆς πέντε, τὴν δ' ἤγεμοναν διαδεχόμενον ὁ ἀδελφὸς Παρισάδης ἐβασιλεύεσσν ἐτὴ τριάκοντα οκτώ. Again, in lib. xx ch. 22 and 24 we have mention of Παρισάδης as βασιλεὺς τοῦ Κυμερικοῦ Βοσπόρου, b.c. 310, and of a grandson of the same name, ὁ πάτος ὁ Σατύρου Παρισάδης. 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 Παρισάδης οὐστάτος 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, b.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 (b.c. 348—310), is the Birisides of Dinarchus in Dem. § 43 (compare infr. § 36 n.), but is different from Berisades, king of Thrace, who, as may be seen from Dem. Aristocr. § 10, was already dead in b.c. 352. Penrose has apparently confounded them. For the king of Thrace, cf. Strabo vii fragm. 48, Ὄδρυσας δὲ καλώσιν ἐνιαοῦ πάντας τοὺς ἀπὸ Ἑβροῦ καὶ Κυψέλων μέχρι Ὄδησσας τῆς παραλίας (sc. Odessa) υπεροικοῦσας, ὃν ἐβασιλεύεσαν Ἀμάδακος καὶ Κερσοβλητή καὶ Βηρισάδης καὶ Σεβόης καὶ Κότυς.——For a dissertation on the Kings of Bosporus, see Clinton, Fasti Hellenici 11, Appendix, chap. 13, and cf. Grote, chap. 98. S.]

of δανεισταῖ] viz. Theodorus
rotoploa daneísantes. όστε τού ναυκλήρου κελεύοντος 9
αυτόν κατά την συγγραφήν ἐντίθεσθαι τὰ ἀγοράσματα
tῶν ἐμῶν χρημάτων, εἶπεν οὖτος ὁ νῦν φάσκων ἀπο-
δεδωκέναι το χρυσίον ὅτι ὅτι ἄν δύναιτο ἐνθέσθαι εἰς
910 τὴν ναῦν τὰ χρήματα. ἄπρατον γὰρ εἶναι τῶν ῥῶπον.
κακεῖνον1 μὲν ἐκέλευεν ἀνάγεσθαι αὐτὸς δ', ἐπειδὰν
diathētai tα φορτία, ἐφ' ἐτέρας νεός ἐφι ἐκπλεύσεσθαι.
καὶ μοι λέγε ταύτην την μαρτυρίαν.

ΜΑΡΤΤΡΙΑ.

Metà taúta toínnv, ὁ ἄνδρες 'Λθηναῖοι, οὖτος to
1 καὶ κακείνον Ζ.

and Lampis. — καὶ γὰρ, i.e. they also, besides the other de-
mands on him to ship a cargo for Athens.

9. τὰ ἀγοράσματα] The goods bought with, or as a set-off to,
my money. Hesych. ἀγορά-
σματα' οὖν. Cf. § 33.

ὅτι οὐκ ἂν δύναιτο, κ.τ.λ.] His
actual words would be, οὐκ ἂν
dynaimen, μη διαιτησέμενον τα φορ-
tία.

tov ῥῶπον] 'the trash,' 'the
common wares.' Villa sculta, 
Hor. Epist. i 7, 65. Aeschylus
fragm. Phruges (242 Dind.) ναυ-
βάτην φορτηγόν ὅστις ῥῶπον ἐξά-
γει χρονός.
[Strabo viii p. 376
says of Aegina: 'Εμπορόες γὰρ
γενέσθαι διὰ τὴν λυπότητα τῆς
χώρας τῶν ἀνθρώπων θαλαττο-
γούντων ἐμπορικῶς, ἀρ' οὐ τὸν
ῥῶπον Αἰγιναλν ἐμπόλαι νέγε-
σθαι. Eustath. on Iliad, xiii 199,
ῥῶποι μὲντο λεπτὸς καὶ ἀπελής
(με εὐτελῆ) φόρτος, ὥς ὅ δ' Ἀλλος
Διονύσιος λέγει, καὶ ποικίλος.
Bekker's Anecd. 299, ρῶπος ο
παντοδαπός φόρτος. Hesych. ρω-
ῥῶπος: ρωποῖς αὐτὶ τοῦ οὐδενὸς
ἀξιόν. ὁ γὰρ λεπτὸς ρῶπος, ἴγων
ὁ φόρτος, μήγατα, χρώματα, ὅσι

§ 10. Lampis sails while Phor-
mio 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 Βοσπόρῳ κατελέειπτο, ὁ δὲ Λάμπις ἀναχθεὶς ἐνανάγησεν οὐ μακραν ἀπὸ τοῦ ἐμπορίου γεγεμυσμένης γὰρ ἡ ἐκ τῆς νεως, ὡς ἀκούομεν, μᾶλλον τοῦ δέοντος, προσανέλαβεν ἐπὶ τὸ κατάστρωμα χιλιάς βύρωσας, ὅθεν καὶ ἡ διαφθορὰ τῆς νυν συνέβη, καὶ αὐτὸς μὲν ἀπεσώθη ἐν τῷ λέμβῳ μετὰ τῶν ἄλλων παῦδων τῶν Δίωνος, ἀπόδεσε δὲ πλέουν ἣ τριάκοντα σώματα χωρὶς τῶν ἄλλων. πολλοῦ δὲ πένθους ἐν τῷ Βοσπόρῳ οὖντος, ὡς ἐπιβλήτο τῇ διαφθορᾷ τῆς νεως, ἤπαθημονιζον τὸν Φορμίωνα πάντες τοντού ὅτι οὐτε συνανήχθη μ᾽ ὁπτίμεις Dindorfius restituit Κοβετ, Νοβ. Λεκτ. 582. κατελεπτο Ζ cum Σ. n τοῦ Ζ cum Σ.

ἀναχθεὶς] Cf. note on Or. 53 (Νicostr.) § 3, ἀνήγμα.

γεγεμυσμένης. 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 βύρωσα of Bosporus, cf. Lacrit. § 34 (μαρτυρ.) δέρματα αἰγεια and Strabo xi 3, p. 493. Τάςαὶ κτίσμα τῶν τῶν Βοσπόρου εχόντων Ἑλλήνων...ἐμπόροι κοινῶν τῶν τε Ἀσιανῶν καὶ τῶν Εὐρωπαίων νυμάδων καὶ τῶν Καππαθόρου τὴν Λιμνην (Sea of Azov) πλεύσων τῶν μὲν ἄνδρά ποδα ἄγοντων καὶ δέρματα...τῶν δε ἐσθήτα καὶ οἴνων...αὐτῷποτεμενων. S.]

λέμβῳ] Hesychius has λήμβων 'ἐν σκαφίδι, ἐν ἐπιοικώι.

παῦδον] 'slaves.' See on § 8. Lampis himself was Δίωνος οἰκήτης, § 5. τριάκοντα of the Paris ed. of 1570 is much more plausible than the manuscript reading τριάκοσια (found in Σ and other mss), which could only be explained on the supposition that it was a slave-ship, bringing Ῥόδακες 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 πλέων ἡ διακόσια σώματα ἑλεύθερα, 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 ἀπλώς ὡς ἄν εἰπος ἄλλα δούλα σώματα. Cf. Dem. Lept. p. 450 § 77, αἰχμαλώτα σώματα. In Plat. 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.
oúτ' ἐνέθετο εἰς τὴν ναῆν οὐδὲν. συνέβαινε δὲ παρὰ
te τῶν ἄλλων καὶ παρὰ τοῦτον ὁ αὐτὸς λόγος. καὶ
μοι ἀνάγινωθι ταύτας τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

Αὐτὸς μὲν τούς ὦ Λάμπις, ὁ φησιν ἀποδεδωκέναι

ναι τῷ χρυσίῳ (τοῦτῳ γὰρ προσέχετε τὸν νοῦν), προσ-
ελθόντος αὐτῷ ἔμοι, ἐπειδή τάχιστα κατέπλευσεν ἐκ

τῆς νααγίας Ἀθηναίης, καὶ ἐρωτῶντος ὑπὲρ τούτων,

ἐλεγεν ὅτι οὔτε τὰ χρήματα ἑνθοῦτο εἰς τὴν ναῆν οὐτός
catὰ τὴν συγγραφήν, οὔτε τὸ χρυσίον εἰληφὼς εἶν

παρ' αὐτοῦ ἐν Βοστόρῳ τότε. καὶ μοι ἀνάγινωθί τὴν

μαρτυρίαν τῶν παραγενομένων.

ΜΑΡΤΥΡΙΑ.

911 Ὑπειδὴ τούς, ὁ ἄνδρες Ἀθηναίοις, ἐπεδήμησε. 12

Φορμίων οὔτοςι σεσωσμένος ἐφ' ἐτέρας νεῶς, προσήνειν

ο παρὰ τοῦτον Ζ.

καὶ παρὰ τούς] i.e. Phormio was heard to congratulate him-

self. With συνέβαινε we might

supply γενέσθαι, 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.

ἐκ τῆς ν.] Either ‘from’ or

‘after’ the wreck.

ἔνθεστο] Compounds of τιθε-

σθαι, but not the simple verb,

often assume this form of the

uncontracted optative, though

mss commonly present the

other form ἐνθεστο, ἐπιθεστο &c.

Many examples of both are

given by Veitch, Irreg. Gk.

Verbs, p. 636-7. mss generally

vary in the forms πρόουτο, προ-

ούτο, προειντό and similar com-

pounds of ἔσθαι.

οὔτε τὸ χρυσίον] The change

of subject might have been more
clearly expressed by οὔτι αὐτὸς

tῶν παραγενομένων] Of those

present at the interview between

me and Lampis at Athens.

§§ 12, 13. And when Phormio

himself arrived somewhat later,

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

Bosporus.

προσήνειν] Like ἔδειν and ἦν,

this word takes the ν even in

the first person in the middle

and later Attic. The older forms

were πρόσηγα, ἢδη, ἦ, as forms

2—2
XXXIV. ΠΡΟΣ ΦΟΡΜΙΩΝΑ [§§ 12—16

αὐτῷ ἀπαιτῶν τὸ δάνειον. καὶ οὗτος κατὰ μὲν ἀρχαῖος οὐδεπόστοι, ὡς ἀνδρεὶς Ἀθηναῖοι, εἰπε τὸν λόγον τοῦτον ὡς νυνὶ λέγει, ἀλλ' αἰεὶ ὡμολόγης ἀποδοθέν τε ἀνεκοινώσατο τοῖς νῦν παροῦσιν αὐτῷ καὶ συνιδικαύσιν, 13 ἔτερος ἦδη ἢν καὶ οὐχ ὁ αὐτός. ἡς δ' ἧσθόμην αὐτὸν διακρούμενον με, προσέρχομαι τῷ Δάμπτιδι, λέγων ότι οὔδεν ποιεῖ τῶν δικαίων Φορμίων οὐδ' ἀποδίδωσι τὸ δάνειον, καὶ ἀμα ἥρόμην αὐτὸν εἰ εἰδείη ὅπου ἐστὶν, ἵνα προσκαλεσάμην αὐτόν. ὡς δ' ἀκολουθεῖν μ' ἐκέλευεν ἕαυτῷ, καὶ καταλαμβάνομεν πρὸς τοῖς μυροπωλείοις τουτού. καί ὃ Λάμπις, ὡς ἀνδρεὶς Ἀθηναῖοι, παρὼν μυροπωλεῖοις αὐτῶν. Ζ. τουτοῦ. Ζ et Bekk. st.

like τετύφη seem to be older than ἐτετύφη, &c. Thus κεχήνη is the first person of the pluperfect in Ar. Ach. 10. [Plato Apol. 31 ε. τάλαι ἀν ἀπολολῆς καὶ οὕτ᾽ ἂν μᾶς ϕελῆκη κ.τ.λ. Elucidations of Curtius' Gk. Gr. § 283. S.]

ὅ νυν λέγει] viz. that he paid Lampis.—ἀνεκοινώσατο, 'when he had entered into a secret understanding,'

συνδικούσων] συνδίκους οὖν, advocates for the defence. Perhaps we should read συνδικούσων, meaning Lampis in particular. Cf. §§ 28 and 46, Λάμπιδος τοῦ συνδικούσων.—παρεῖναι, ad esse 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 Λάμπιδι, 'this Lampis,' said with some contempt.

ὅ δὲ] 'Accordingly he, Lampis, bade me go with him, and we find the defendant at the shops for perfumery.' See Hesych. quoted on § 9, τόν ῥῶτον. [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, ἐκατός γὰρ ὑμῶν εἰθύσαι προσφοτάν ὁ μὲν πρὸς μυροπωλεῖον, ὃ δὲ πρὸς κουρεῖον, ὃ δὲ πρὸς σκυτοτομεῖον. 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 τεκμηρία and εἰκότα there is strictly this difference: the former are the evidentiary facts, the latter the results which are obtained by combing such facts together and reasoning upon them." Kennedy, Append. vi to Vol. iv of Demosth. p. 369. So Or. 30 § 10, δὴ λοι ὃ καὶ ἐκ τῶν εἰκότων δὴ τοῦτον ἐνεχ' ἄν εἰρηκα δρείλειν εἴλοντο.
προσκαλουμένω μοι οὐδαμοῦ ἐτόλμησεν εἰπεῖν ὡς ἁπείληφη παρὰ τοῦτον τὸ χρυσίον, οὐδὲ ὁ εἰκὸς ᾗν εἴπε, "Χρύσιτππε, μαίνει τί τοῦτον προσκαλεῖ; ἐμοὶ γὰρ ἀποδέδωκε τὸ χρυσίον." ἀλλὰ μὴ ὅτι ὁ Λάμππις ἐφθέγξατο, ἀλλ' οὐδ' αὐτὸς οὗτος ἠξίωσεν εἰπεῖν, παρεστηκότος τῷ Λάμππιδος, ὃ νῦν φησιν ἀποδεδωκέναι τὸ χρυσίον. καίτοι εἰκὸς ᾗν αὐτὸν εἰπεῖν, ὃ ἄνδρες 15 Ἀθηναῖοι, "τί με προσκαλεῖ, ἀνθρωπε; ἀποδέδωκα γὰρ τοῦτο τῷ παρεστηκότι τὸ χρυσίον," καὶ ἀμα ὁμολογοῦντα παρέχειν τὸν Λάμππιν νῦν δ' οὐδέτερος αὐτῶν οὐδ' ὅτι οὖν εἰπεν ἐν τοιούτῳ καιρῷ. καὶ ὅτι ἀληθῆ λέγω, λαβέ μοι τῇ μαρτυρίαν τῶν κλητήρων.'

ΜΑΡΤΙΡΙΑΙ.

912 Λαβὲ δὴ μοι καὶ τὸ ἐγκλῆμα ὁ ἐλαχὸν αὐτῷ πέρυν-16 σιν' ὁ ἐστι νοῦνεις ἐλαττον τεκμήριον ὅτι οὐδέτω τότ' ἐφησε Φορμίων ἀποδεδωκέναι τὸ χρυσίον Λάμππιδι.

ΕΓΚΛΗΜΑ.

Τοῦτο τὸ ἐγκλῆμα ἐλαχὸν ἑγὼ, ὃ ἄνδρες Ἀθηναῖοι,

6 μὴ ὅτι Λάμππις οὐκ ἐφθέγξατο Ζ.  s κλητήρων Ζ.

7 οὐδεπότ' Ζ.

[ἡ ὅτι] Both this and οὐχ ὅτι are used in the sense of non modo or non modo non. In the former case there is an ellipse of λέγεων, in the latter, of λέγων. 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.

[εἰκὸς ἡν] Lit. "it was reasonable for him to have said." Hence in such expressions as ἄκατον ἡν, ἔχρην, &c., the Greeks never use ἂν, 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. παρέξειν 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 τίθησαι and its compounds. [Infr. § 34, ὡς ἐντεθειμένος. The perfect passive of τίθησαι and its compounds is almost invariably borrowed from κείμαι, e.g. Plat. Leg. 793 b, τῶν ἐν γράμμασι τεθέντων τε καὶ κειμένων (non τεθειμένων) καὶ τῶν ἐτι 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 III 519 as a peculiar expression, finds its parallel in the Meidias § 143, ὡς οὔτως εἰμὶ ἄφρων οὔτ' ἀπόπληκτος ἐγὼ. S.]

17. παραγραφὴν διδόναι] A notable synonym of παραγράφεσθαι. [οὐκ ἐτόλμησαν] This would have been the ordinary defence in a εὐθυκία, and was not a true ground for a παραγραφὴ (§ 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
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.

\[\text{τηλικα\;την\;τα\;σρόν.}\]

§§ 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.

\[\text{ἐπιτρέψαι.}\] See note on Or. 54 § 26.

\[\text{ισοτελεῖ.}\] A privileged sojourner (denizen), i.e. a μετόκος who paid equal taxes with an ἀστός, and no more. They were specially exempted from the tax called μετοκίων. See F. A. Wolf, Pref. to Leptines (p. 27, Beatson), 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.

\[\text{ἰσφαλεῖ} \text{] That there was no great danger of a prosecution. This is explained by \;ο\; γάρ, \&c. \;infra.} —\;ἡγη, \;viz. \;as \;he \;was \;not \;now \;in \;court.\]

\[\text{μερισάμενοι} \text{[Compare ἐπεὶ ἄν-εκοινώσατο, § 12.}\]

19. \[\text{δομον—καί} \text{] \;The same as it is to do so before an arbitrator.} \text{It does not seem certain from this passage whether a man could not be prosecuted for perjury before an arbitrator. It may mean, that in practice it was seldom done, and so the risk was not great.}\]
Ἀθηναῖοι, εἰς τὰ ύμέτερα πρόσωπα ἐμβλέποντα τὰ ψευδή μαρτυρεῖν καὶ πρὸς διαίτητὴν παρ᾿ ύμῖν μὲν γὰρ καὶ ὀργὴ μεγάλη καὶ τιμωρία ὑπόκειται τοῖς τὰ ψευδή μαρτυροῦσι, πρὸς δὲ τῷ διαίτητῳ ἀκινδύνως καὶ ἀνασχύντως μαρτυροῦσιν ὁ τι ἀν βούλωνται.

20 ἀγανακτοῦντος δὲ μου καὶ σχετιλάζοντος, ὃ ἄνδρες Αθηναῖοι, ἔπι τῇ τόλμῃ τοῦ Λάμπιδος, καὶ παρεχομένου πρὸς τὸν διαίτητην τὴν αὐτὴν μαρτυρίαν ἠπερ καὶ νῦν πρὸς ύμᾶς παρέχομαι, τῶν εἰς ἄρχης προσελθόντων αὐτῷ μεθ᾽ ἡμῶν, ὅτε οὔτε τὸ χρυσίον ἐφί ἀπειληφέναι παρὰ τοῦτον οὔτε τὰ χρήματ᾽ αὐτῶν ἐνθέσθαι εἰς τὴν ναῦν, οὔτως ὁ Λάμπις κατὰ κράτος εξελεγχόμενος τὰ ψευδὴ μαρτυρῶν καὶ πονηρῶς ὁν ὁμολόγηει μὲν εἰρηκέναι ταῦτα πρὸς τοῦτον, οὐ μέντοι

υπόκειται] 'Is in store.'
20. τῶν εἴς ἄρχης] 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 ἀρετὴν, '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] luculentet et invictæ (Reiske). Being convicted, in a way that he could not evade, of telling falsehoods.—[κατὰ κράτος is probably not found elsewhere with ἐξελεγχεσθαι, which is usually coupled with adverbs such as περίβοητος or (more commonly) φανερῶς. S.] ——πονηρῶς, 'a fellow without principle,' i. e. preferring κέρδος to τὸ δίκαιον.

πρὸς τοῦτον] There is some difficulty in this, first, as to taking it with ὁμολόγηει 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 τοῦτον just discussed might equally mean Chrysippus. [G. H. Schaefer and Voemel think the second speech begins at § 22, εἰς αὐτοῦ δὲ 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, μελλόντος δὲ τῆς δικής. The latter view is followed by M. Dareste. Nitsche, dissert. de tracticiendis 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.τ.λ.] 'Theodotus, 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 ἐφέσις, an appeal to a higher court. See a good note of Mr Wayte’s, Timocr. § 34.

§ 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 Bosporus the market was so dull, that he could hardly pay those who had lent him for the outer voyage only.
μέν γὰρ ἐξέπλει οὐκ ἐνθέμενος εἰς τὴν ναῦν τὰ χρήματα καὶ ὑποθῆκην οὐκ ἔχων, ἀλλὰ ἐπὶ τοὺς ἐμοῖς χρήμασιν ἐπιδανεισάμενος· ἐν Βοστόρῳ δ' ἀπρασίαιν τῶν φορτίων κατέλαβε, καὶ τοὺς τὰ ἐτερόπλοια δανεῖς σαντίς μόλις ἀπήλλαξεν. καὶ οὕτως μὲν ἐδάνεισεν αὐτῷ δισχίλια δραχμὰς ἀμφοτερόπλοις, ὥστε ἀπολαβείν Ἀθηναίοις δισχίλια ἐξακοσίας δραχμὰς· Φορμίων δὲ φησιν ἀποδοῦναι Λάμπιδι ἐν Βοστόρῳ ἐκατόν καὶ εἰκοσὶ στατήρας Κυζικηνοῦς (τούτῳ γὰρ προσέπετον).
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.]

*νεισάμενος* ‘By borrowing it (at the Bosporus) on the interest paid for loans on land, ’i.e. on real security. This being ἐφεκτος, 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 ½ or 560 amounts to 3920 dr. = 39 min. 20 dr.

*ἐφεκτος* Harpocr. s. v. ἐφεκτος τόκος: ὅ ἐπὶ τῷ ἐκτῷ τοῦ κεφαλαίου Δημοσθένης ἐν τῷ ὑπὲρ Χρυσίππου.

*ἐδύνατο ἔκει* This shows that the value of money differed, as with us, in different places. [Cf. Xenoph. de Vectig. iii. 2, καὶ οἱ ἀργυρίων ἔξαγοντες (ἐκ τῶν Ἀθηνῶν) καλήν ἐμποριαί ἐξάγουσιν. ὅποι γὰρ ἀν πωλῶσιν αὐτὸ πανταχοῦ τὸν ἀρχαίον λαμβάνοσι. K. F. Hermann, Griecli. Privat- alterthümer, § 47, 17 = p. 451 ed. Blümner. S.]

24. τόσον καὶ τόσον] ‘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, ἡ τόσα καὶ τόσα: Hesych. ἡ τοσαίτα. S.]

25. ἀντὶ δισχιλίων, κ.τ.λ.] Instead of the sum he really owed,—πριάκοντα 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.)
μνᾶς καὶ τριακοσίας καὶ ἐξήκοντα ἀποτίνειν προελετ’ ἂν, καὶ τόκον πεντακοσίας δραχμὰς καὶ ἐξήκοντα δανεισάμενοι, ὡς φησιν ἀποδεδωκέναι Φορμίων Λάμπιδι, τρισχιλίας ἐνιακοσίας εἰκοσι; ἐξὸν δ’ αὐτῶ ἁμφοτέροπλου Ἀθηνησίων ἀποδοῦναι τὸ ἀργύριον, ἐν Βοστόρῳ ἀπέδωκε, τρισὶ καὶ δέκα μναῖς 26 πλέον; καὶ τοῖς μὲν τὰ ἐπερόπλου δανεισάσι μόλις τάρχαια ἀποδέδωκας, οὐ συνεπλευσάν σοι καὶ προσήδρευν’ τούτῳ δὲ τῷ μὴ παρόντι οὐ μονὸν 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.

προσήδρευν’] Who kept close to you, and watched your proceedings. Cf. Lacrit. § 29, τοὺς προσήμεν καὶ ἀμ’ ἐκσαπούμεν κ.τ.λ.

τῷ μὴ παρόντι] Logically, τῷ οὐ παρόντι is more correct; but there is a tendency to say ὁ μὴ παρὼν, because the formula generally refers to some indefinite person. Conversely, in Eur. Suppl. 227, θεός τοῖς τοῦ νοούτος πῆμαν διώλησε τὸν οὐ νοοῦτα, we might have looked
for τὸν μή, yet here there is a kind of attraction to what next follows, καὶ γὰρ ἐν τῇ κατὰ τὴν συνγραφήν ἀνάγκης. οὐκ ἐπειδήδωσα σοι ἀνάγκης οὔτες; κάκεινως μὲν οὐκ ἐθελείς, οὐς αἱ συνγραφαι 27 ἐν Βοστόρῳ τὴν πράξεων ἐθελείσαν τὸν δανείου τούτους δὲ φῆς φροντίσεως, ὥν ἐξ ἀρχῆς έυθὺς ἡδίκεισ οὐκ ἐνθέμενος τὰ χρήματ' εἰς τὴν ιδίαν κατὰ τὴν συνγραφήν Ἀθήνης, καὶ νῦν μὲν εἰς τὸ ἐμπόριον ἥκον, οὐ τὸ συμβολαῖον ἑγένετο, οὐκ ὀκνεῖς ἀποστερεῖν τὸν δανείσαντα ἐν Βοστόρῳ δὲ πλείον τῶν ἰδιαίων φῆς ποιεῖν, οὐδίκην οὐκ ἔμελλες δώσειν; καὶ οἱ μὲν ἀλλοί 28

1 + ὃς φήσας Ζ.

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.π.λ. 27. κακείνως] Further arguments ἐκ τῶν εἰκότων. Ἐν Αθηναις, 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 ὀκνεῖς ἀποστερεῖν, which is hardly fair.

28. καὶ οἱ μὲν ἀλλοί] 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 (ὑπὸ). And yet you rely (lit. lean) on a single witness, and that too one who has taken part in the wrong (Lamphis); 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 ἐνιαύτῳ μάρτυρι τῷ συναδικόντι, καὶ οὕτε τὸν παῖδα τῶν ἡμέτερον παρέλαβες ἐν Βοσπόρῳ ὄντα τὸν κοινωνόν, οὐδὲ τὰς ἐπιστολὰς ἀπέδωκας αὐτοῖς, ἃς ἤμεισ ἐπεθήκαμεν, ἐν αἷς ἐγέραιπτο παρακολουθεῖν σοι, οἷς ἂν πράτης; 29 καίτοι, ὃ ἀνδρές δικασταί, τί οὐκ ἂν πράξεις ὅ τοιοῦτος, ὅστις γράμματα λαβῶν μὴ ἀποδέδωκες ὀρθῶς καὶ δικαίως; ἢ πῶς οὐ φανερῶν ἐστίν ὑμῖν τὸ τούτον κακούργημα ἐξ αὐτῶν ὃν ἐπράττεν; καίτοι, ὃ γὴ καὶ θεοὶ, προσηκέκε γε τοσοῦτο χρυσίον ἀποδίδοντα, καὶ πλέον τοῦ δανείσματος, περιβόητον ποιεῖν ἐν τῷ ἐμπορίῳ, καὶ παρακαλεῖν πάντας ἀνθρώπους, πρῶτον δὲ τὸν παῖδα 30 τοῦ τούτου καὶ τὸν κοινωνόν ἓστε γὰρ ἄποιπον πάντες ὅτι δανείζονται μὲν μετ᾽ ὀλίγων μαρτύρων, ὅταν δὲ

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k ἀμφοτερόπλοα Bekk. 1824,

m σκῆπτη Z.

n πλέον Z.

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 τῶν ἡμέτερον, called τὸν τούτου in § 29, see sup. § 4. ἐπιστολὰς...ἐπεθήκαμεν] Harpocr. s.v. ἐπιστέτευσε...Λέγειν γαρ ἢν εἰσισμοῦν ἐπέθηκεν ἐπιστολὴν ἀντὶ τοῦ παρέδωκεν, ὡς Δημοσθένης ἐν τῷ ὑπέρ Χροσίππου πρὸς τὴν Φορμίωνος παραγράφην. Ἰδ. s.v. ἀντεπιστή- σιν: ἀντὶ τοῦ ἀντεπιστέτλει Ἰσαίας ἐν τῷ πρὸς Καλλιπίδην. S.]

29. δάτισ—μὴ ἀποδέδωκεν] qui non dederit.

προσηκέ γε] 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).

§ 30. Continued irony: ‘men don't get more witnesses than is necessary to see that they bor- row, but as many as they can to see that they pay, and that their honesty and respectability in their dealings may be talked about. How then was it that you acted so differently in the matter of your pretended pay- ment?"
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 πλείων and οἱ πλέοντες for ‘trading’ and ‘traders’ is to be noticed. So Ar. Pax 341, ἦδη γὰρ ἔξεσται τὸθ’ ὑμῖν πλείων, μένειν, οἶκοι καθεύδειν. Plat. Gorg. p. 467 δ, οἱ πλέοντες τε καὶ τὸν ἄλλον χρηματισμὸν χρηματιζόμενον. Dem. Or. 37 § 54, ὡστὶς δὲ εἰρήγασται μὲν ὦσ- περ ἐγὼ πλέων καὶ κυνοεύων.

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. ἀνελόμενον] 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’ ἀνηρηκὼς αὐτὸς. In Or. 48 § 46, we read ἐχρῆν

αποδιδώσι, πολλοὺς παρίσταναι μάρτυρας, ἵν' ἐπιει-
916 κεῖν δοκῶσιν εἶναι περὶ τὰ συμβόλαια. σοὶ δ' ἀποδι-
dόντι τὸ τε δάνειον καὶ τοὺς τόκους ἀμφοτέρους, ἔτε-
ροπλῶφ τῷ ἀργυρῷ κεχρημένῳ, καὶ προστιθέντι ἔτερας
τρεῖς καὶ δέκα μνάς, πῶς οὐχὶ πολλοὺς ἦν παρα-
ληπτέον μάρτυρας; καὶ εἰ τοῦτ’ ἔπραξας, οὐδ’ ἄν εἰς
σοῦ μᾶλλον τῶν πλεόντων ἐθαυμάζετο. σὺ δ’ ἀντὶ 31
τοῦ πολλοῦς μάρτυρας τούτων ποτεῖσθαι πάντας
ἀνθρώπους λανθάνειν ἔπειρῳ, ὀσπέρ ἀδικῶν τι. καὶ
εἰ μὲν ἐμοὶ τὸ δανείσαντι ἀπεδίδους, οὐδὲν ἐδει
μαρ-
τύρων τὴν γὰρ συγγραφῆν ἀνελόμενοι ἀπήλλαξο ἄν

τοὺς τόκους ἀμφοτέρους] ‘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.’
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.

The partners here present. This is certainly obscure. The speech commences in the plural, δίκαιας 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 would seem therefore that several were concerned in the loan to Phormio; for no account is here taken of the ἐπιστολάς. Again, the δύο συγγραφῆς 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.

μόνος μόνος] A forcible and idiomatic collocation (like πολλὰ πολλοῖς, πάντως, &c.); oftener found in such contexts than the simple μόνος. [As an instance of the former we have De Cor. p. 273, 1 τῷ ὑπὸ τῶν πολεμίων πεμφθέντι μόνος μόνος συνήσει, of the latter Fals. Leg. p. 430, 22, οὐδαμοῦ μένου ἑντυγχάνειν Φιλίππῳ which Cobet (Variae Lectiones, p. 112) would alter into μόνον μόνος. Mr Shilleto however quotes passages from the poets which do not admit of such alteration, e.g. Ar. Pax 660, ἡ δ’ ἀλλὰ πρὸς σὲ
The Zurich editors (and A. Schaefer) here mark another break. 'Post hanc paragraphum Chrysippum (cf. § 35, 4 eme) denuo loqui videri notavimus.'

σωθείσαι τῆς νεῶς. Emphatic, as the condition of ἀποδοῦναι. Or. 32 Zenothem. § 5, ὅσοι τῶν συνγραφῶν ὥσπερ εἰσώθησιν ἀπαίστη, σωθείσαι τῆς νεῶς ἀποδοῦναι τὰ χρήματα. Or. 56 Dionysid. § 31. — καὶ γὰρ, κ.τ.λ. 'very true; for it bids you,' &c. — πεντακακχιλίας, a very heavy έπιτίμως (§ 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 respectability of Lampis, who though he resided at Athens was a foreigner by extraction. — Hesychius: ἀγοράσματα' ένια.

σῦ δέ, 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 σωθείσαι 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.

 Copies of, γὰρ, κ.τ.λ.] Dum dicis, &c. A conditional and idiomatic use of ὀπότε, when time is not considered, but simply the allegation of a fact. (Some examples are given in the note on Aesch. Suppl. 1030.) So
34 — 35

'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 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.

The harbour-masters,' 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.'

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The harbour-masters,' 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.'
πρὸς αὐτοὺς αὐτοῖς πράξειαν. καὶ ὁ Λάμπτις, ὡσα μὲν ἐιπε πρὸς ἐμὲ πρὶν ὑπὸ τούτου διαφθαρῆναι, οὐκ ἐντὸς ὡν αὐτὸν φησιν εἰπεῖν ἐπειδὴ δὲ τὸ χρυσίον τούμον ἐμερίσατο, τότε ἐντὸς εἶναι φησιν αὐτοῦ καὶ πάντε ἀκριβῶς μνημονεύειν.

Εἰ μὲν οὖν, ὁ ἀνδρες δικασταί, ἐμοὶ μονον κατε- 36 φρόνει Λάμπτις, οὐδὲν ἂν ἦν θαυμαστῶν νῦν δὲ πολλὶ δεινὸτερα τούτου πέπρακται αὐτῷ πρὸς πάντας ύμᾶς. κήρυγμα γὰρ πονησαμένου Παιρισάδου ἐν Βοστόρῳ, εάν τις βουλήται Ἀθηναίες εἰς τὸ Ἀττικὸν ἐμπόριον σιτηγείν, ἀτελῆ τὸν σίτου ἐξάγειν, ἐπιθημῶν ἐν τῷ

§ 36. The conduct of Phormio has been such that the public have been wronged as well as myself. He has fraudulently availed himself of the remission of the corn-duty to convey corn from the Pontus to Macedonia.

πέπρακται αὐτῷ πρὸς πάντας] The usual construction with this passive perfect (or aorist). It is a very common use with Demosthenes.

κήρυγμα γὰρ—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 signalized the Athenian importation of the corn of the Exuine 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 Λεόχαρα τοὺς ἄγωνοι Ἀθη- ναῖς ἀτέλειαν δεδωκέναι καὶ κρόττειν πρῶτοι γεμίζεσθαι τοὺς ἐστὶν πλέοντος.) Leucon after reigning from 393 to 353 b.c. was succeeded by his son Spartæus, 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 (ἀτελῆ τὸν σίτου 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 48 p. 95). His reign ended in 310 b.c. S.]

Παρισάδου] See § 8 n.

ἐπιθημῶν, 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 Aeanthus (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].

This verb is adapted to τὴν ἀτέλειαν rather than to τὴν ἐξαγωγὴν. In Lept. p. 466 § 31 the orator remarks that Athens depended more than any other state on its importation of corn, πλείστων τῶν πάντων ἀνθρώπων ἱμέας ἐπεισάκτω στὸ ἄργωμεν.

§ 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.

The definition of an ἀστις seems to be the having an οἶκος (i.e. not merely an οίκια, but a family) resident in Attica. Perhaps, however, the mere residence was pressed by the law, οἰκῶν Ἀθηναίων, since of course a citizen did not cease to be so by residing elsewhere for a time.


dιεμποροῦντο] 'Were having measured out to them their barley-meal in the Odeum, while those in the Peiraeus (a δήμος, contrasted with τὸ ἀστι) were getting their loaves by pennyworths at a time in the arsenal and at the long warehouse, and having their barley-meal doled out to them at a gallon a-piece, and nearly trampled to death in the crush.' A curious picture of corn at famine price. [Arnold Schaefer places this time of high prices in the period between 330 and 326 B.C., when Demosthenes was στύόμης. Dem. u. s. Zeit ii p. 268—271, ii 2, p. 300, 339. Cf. Blass, Att. Ber., iii p. 516. S.]
troúnto tā álphita èn tō ωδείω, oi δ' èn tō̆ Peiraiēi èn tō̆ neôrwō̆ elámβanōν κατ' ὄβολον τοὺ̃ς ἄρτους καὶ ἐπὶ τῆς μακρᾶς στοὰς, τὰ ἀλφίτᾰ καθ' ἡμίεκτον μετροῦμενοι καὶ καταπατοῦμενοι. καὶ ὅτι ἄληθῆ λέγω, λαβέ μοι τὴν τε μαρτυρίαν καὶ τῶν νόμων.

ΜΑΡΤΥΡΙΑ. ΝΟΜΟΣ.

Φορμίων τοῖνυν τούτῳ χρόμενος θουνων̄ καὶ 38 μάρτυρι οἴεται δεῶν ἀποστερήσαι τὰ χρήμαθν̄ ἡμᾶς, οὐ̄ γε συνηγούμενες διατετελέσκαμεν εἰς τὸ ύμετερον ἐμπόριον, καὶ τριῶν ἥδη καιρῶν κατεληφότων τὴν πόλιν ἐν οἷς ὑμεῖς τοὺς χρησίμους τὸ δήμω ἐξητάζετε,

v διέλαμβανον Zéum Σ. ἐλάμβανον Bekker. * στοάς τὰ ἀλφίτα, Ζ.

ἐν τῷ ωδείῳ] 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 λαχύντων δίκην σῖτον εἰς ωδεῖον and Pollux viii 83. Cf. Bekker’s Anecd. 317 ωδείον’ θεάτρων’ ἀθής̄γησον, δ’ πεποίησεν Περικλῆς εἰς τὸ επάδεικνυσθαι τοὺς μουσικοὺς ἐν ὦ καὶ δικαστήριον ἦν σῖτον καὶ ἀλφίτα διεμετερεῖτο ἐκεί. S.]

The makra στοά seems to have been a cornstore. It is mentioned in Ar. Ach. 548, as in a state of activity during preparation for war, αὐτὰς στεναχώσις, στείνας μεταγενέων. [Schol. τῆς λεγομένης ἀλφιτοπωλίας ἦν φυκοδόμησεν Περικλῆς ὁποῦ καὶ σῖτος ἐπέκειτο τῆς πώλεως. ἦν δὲ περὶ τῶν Πειραιῶν. Leake (Athens, 1 p. 382) appears to distinguish between the makra στοὰ of the Peiraeus and the στ. ἀλφιτοπωλίς or meal-bazaar. See Thuc. viii 90 § 6, and cf. Pausan. 1 § 3 (of the Peiraeus) ἐστὶ δὲ τῆς στοᾶς τῆς μακρᾶς ἐνδα καθέσθηκεν ἄγορα τοῖς ἐπὶ θαλάσσαις. It is clear that it was not, as Mr Penrose thought, in the city, apparently confounding it with the makra στοὰ in the quarter called Melite (Scholast on Ar. Aves 998). There were many στοάς, like the porticos at Rome. See Boeckh, P. E. p. 88, pp. 83, 121 trans. Lamb. S.]

καθ’ ἡμίεκτον] a madimus held 48 chœnices, so that 8 chœnices were a sixth, and 4 chœnices a half-sixth. Hence the joke in Ar. Nub. 645, περίδου νῦν ἐμοὶ, εἰ μὴ τετράμετρόν εἶστιν ἡμεκτέον.

§§38, 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.

οἱ γε] The same nearly as αἰτίνες, 'yes, us, who have,' ἄρ. ἐξητάζετε] 'Put to the test,' as in the common phrase ἐξητάζεσθαι φίλος.
XXXIV. ΠΡΟΣ ΦΟΡΜΙΩΝΑ [§§ 38—40]

οὐδενὸς τούτων ἀπολελείμμεθα, ἀλλ' οτε μὲν εἰς Θῆβας Ἀλεξάνδρος παρῆι, ἐπεδώκαμεν ύμῖν τάλαν-
39 τον ἀργυρίου, οτὲ δ' ὁ σίτος ἐπετιμήθη πρότερον καὶ ἐγένετο ἦκκαϊδεκα δραχμῶν, εἰσαγαγόντες πλείους ἡ
μυρίους μεδίμνους πυρῶν διεμετρήσαμεν ύμῖν τῆς

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

Ἀλεξάνδρος παρῆι] 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 παρῆι, 'marched through,' 'marched up near the place.' It simply means, 'entered Phociis.'

Χεν. Conviv. 1 § 7, οἵ δὲ καὶ λουσάμενοι παρῆλθον, 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 ἐσω πάρειμι 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, Einleit. Bemerk. zu Dem. paragr. Reden.

S.] ἐπεδώκαμεν] 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 σιτοδέλα... ὡς πλεῖον ἧ πέντε τάλαντα γένοιτο αὐτῷ τὰ ἀναλώ-
ματα διδοῦν τοῖς ἀπόροις τῶν πολίτῶν, where 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 (πρὸς Πολυχ. ἀρώνετε ἐν τῷ Πειραιεῖ τῶν σῖτων ἐπίτιμωμένον.

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-
τρεῖσθαι.)
919 'Alλα μὴν eἰ γε δεῖ καὶ τούτως τεκμαίρεσθαι, οὐκ 40 εἰκὸς ἢν ἐπιδιδόναι μὲν ἡμᾶς τοσαῦτα χρήματα, ἢν παρ’ ὑμῖν εὐδοξῶμεν, συκοφαντεῖν δὲ Φορμίωνα, ἢν καὶ τὴν ὑπάρχουσαν ἐπιείκειαν ἀποβίλωμεν.

Δικαίως ἂν οὖν βοηθήσατε ἡμῖν, ὁ ἀνδρὲς δι-κασται ἐπέδειξα γὰρ ὑμῖν οὔτ' ἐξ ἀρχής τὰ φορτία ἐνθέμενον τούτων εἰς τὴν ναίν ἀπάντων ὃν ἐδα-

καθεστηκνίας τιμῆς, πέντε δραχμῶν τῶν μέδιμνων καὶ ταῦτα πάντες ἵστε ἐν τῷ πομπείῳ διαμετροῦμενοι. πέρυσι δ' εἰς τὴν σιτωνίαν τὴν ὑπὲρ τοῦ δήμου τά-λαντον ὑμῖν ἐπεδώκαμεν ἐγώ τε καὶ ὁ ἄδελφός. καὶ μοι ἀνάγωσθι τούτων τὰς μαρτυρίας.

ΜΑΡΤΤΡΙΑΙ.

§ 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 eikóta of the case. See Plat. Phaedr. p. 266 fin., and 273 β.

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 xxii p. 145 ed. 1855. S.] In Androt. p. 615 § 61, the vessels and furniture themselves are called τὰ πομπεία.—ἰστε, '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.

The simple genitive is used in nearly all cases where equivalence of value is expressed. Thus τῶν ἐν Βοσπόρῳ παρθένων 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
neíσατο 'Αθήνηθεν, τόν τ' ἐν Βοστόρῳ πραθέντων 
tοὺς τὰ ἐτερόπλοα δανείσαντας μόλις διαλύσαντα,
41 ἐτε οὐτ' εὐποροῦντα οὐθ' οὐτως οὐτ' ἀβέλτέρον 
ὡστ' ἀντι δισχιλίων καὶ ἐξακοσίων δραχμῶν τριά-
κοντα μνᾶς καὶ ἕννεα ἀποδοῦναι, πρὸς τε τοῦτοι,
ὅτε ἀποδοῦναι φησι τὸ χρυσίον τῷ Δάμπιδι, οὔτε 
tὸν παίδα παραλαβόντα τὸν ἐμὸν οὔτε τὸν κοι-
νωνὸν ἐπιδημοῦντα ἐν Βοστόρῳ. ἐμοὶ δὲ Δάμπις 
αὐτὸς μαρτυρῶν φαίνεται ὡς οὐκ ἀπείληψε τὸ χρυ-
42 σίον, πρὶν ὕπο τοῦτο διαφαρῆναι. καίτοι εἰ καθ' 
ἐν ἔκαστον οὕτως ἐδείκνυε Φορμίων, οὐκ οἴδ' ὅπως 
ἀν ἄλλως ἀμείνων ἀπελογήσατο. ὑπὲρ δὲ τοῦ τὴν 
δίκην εἰσαγάγώμου εἶναι ὁ νόμος αὐτὸς διαμαρτύρεται,

shortly put for τῶν τ' ἐν Βοσ-
πορον κομισθέντων ἐν Β. πρα-
θέντων.

[diakósanta] Or. 37 § 12; 36 § 50; 30 § 8.

§ 41. '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.

τὸν παίδα τὸν ἐμὸν] In § 8, 
it is Chrysippus who speaks of 
τῷ παιδὶ τῷ ἐμῷ καὶ κοινωνῷ τῳ. 
If the other partner is now 
speaking, they must be supposed 
to proceed on the maxim κοιν 
tά τῶν φίλων. In § 28 we have 
tὸν παιδὰ τὸν ἡμέτερον.

πρὶν ὕπο τοῦτον, κ.τ.λ.] This 
is to be construed with μαρτυρῶν 
φαίνεται. See § 18.

42. καίτοι, κ.τ.λ.] 'I have prov-
ed (ἐπέδειξα, § 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, οἱ νόμοι— 
ἀπολογεῖσθαι κελεύουσιν εὐθυνι-
κὰν εἰσίτων, οἱ κατηγορεῖν τὸν 
διώκοντος, i.e. οὐ παραγράφεσθαι. 
The prosecutor's object, as the 
next sentence shows, is to ob-
ject 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.

οἱ νόμοι αὐτῶν] The law itself 
is explicit, and no judge need 
give an opinion. [διαμαρτύρεται, 
it, ‘protests solemnly’ (cf. ob-
testari),—here, by a rare meta-
phor, applied to ‘the law.’ S.]
Possibly we should read *ras oikas elvai...* The Ionic dative in -is is a remnant, perhaps, of an old Solonian law. If the text is right, it seems that we must supply εἰσαγωγόμουν. '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 παραγραφή. Or thus, perhaps: 'that the mercantile actions are those for contracts made,' &c. This would give a precise definition of ἐμπορικαὶ δίκαι, in harmony with § 43.

§§ 43—5. The point and gist of Phormio's παραγραφή 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-

missed the case altogether?

παραγράφουται τῷ δίκην] The original meaning seems to have been, 'they have a note made on the side (or back) of the suit, not admissible.' Otherwise, ὡς οὐκ ὄσων must be taken for an accusative absolute.

dεινόν γὰρ ἂν εἰ, εἰ μὲν ἐνεκα τοῦ
πλού τού 'Αθήνας ἠδικούμην, εἶναι μοι παρ' ύμιν τὸ δίκαιον λαβεῖν παρὰ Φορμίώνος, ἐπειδὴ δὲ τὸ συμβολαῖον ἐν τῷ ὑμετέρῳ ἐμπορίῳ γέγονε, μή φάσκειν
44 παρ' ύμιν τούτοις υφέζειν τὴν δίκην. καὶ ὅτε μὲν Θεοδότῳ τὴν δίαιταν ἐπετρέψαμεν, ὁμολογησαν εἶναι καθ' αὐτῶν ἐμοὶ τὴν δίκην εἰσαγώγημον' νυνὶ δὲ τοῦναντίον λέγουσιν ὃν πρότερον αὐτοὶ συγκεχορήκασιν, ὡς δέον παρὰ μὲν τῷ Θεοδότῳ τῷ ἰσοτελεῖ ὑποσχεῖν αὐτοὺς δίκην ἀνεῖν παραγραφῆς, ἐπειδὴ δὲ εἰς τὸ 'Αθηναίων δικαστήριον εἰσερχομέθα, μηκέτ'
45 εἰσαγώγημον τὴν δίκην εἶναι. ἐνθυμοῦμαι δ' ἐγώγε τι ἀν ποτε εἰς τὴν παραγραφὴν ἔγραψεν, εἰ ὁ Θεόδωτος ἀπέγραψε τῆς δίκης, ὅπου νῦν γνώντος τοῦ Θεοδότου ἀπιέναι ἡμᾶς εἰς τὸ δικαστήριον οὐ φησί τὴν δίκην εἶναι εἰσαγώγημον παρ' ύμῖν, πρὸς οὖς ἐκεῖνος ἔγραψεν ἀπιέναι. πάθοιμι μένταν τὰ δεινότατα, εἰ οἱ μὲν νόμοι τῶν 'Αθηναίων συμβολαίων κελεύουσιν τὰς δίκας εἶναι πρὸς τοὺς θεσμοθέτας, ὡμένοι δ' ἀπογνωστεῖ τῆς δίκης ὁμοιοκότες 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 Θεόδωτος ὁ ἰσοτελὴς, 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 ἀπέγραψε see § 21.

ἀπογνωστεῖ] 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,
Τού μὲν οὖν δανείσαται ἡμᾶς τὰ χρήματα αὐτὶς τε συν-46
θηκαὶ καὶ αὐτὸς οὗτὸς ἐστὶ μάρτυς τοῦ δ’ ἀποδεδω-
κέναι οὐδεὶς ἐστὶ μάρτυς ἐξὸς τοῦ Λάμππιδος τοῦ
συναδικοῦντος. καὶ οὗτος μὲν εἰς ἐκεῖνον μόνον ἀνα-
φέρει τὴν ἀπόδοσιν, ἐγὼ δ’ εἰς τοὺς Λάμππιν αὐτὸν
καὶ τοὺς ἀκούσαντας αὐτοῦ ὅτι οὐκ ἐφή ἀπειληφθέναι
τὸ χρυσίον. τούτῳ μὲν οὖν τοὺς ἐμοὺς μάρτυρας
ἐξέστι κρίνειν, εἰ μὴ φησί τἀληθῆ μαρτυρεῖν αὐτοὺς.
ἐγὼ δ’ οὐκ ἔχω τί χρήσιμως τοῦς τούτου μάρτυσιν, οἷ
921 φασιν εἰδέναι τοῦ Λάμππιν μαρτυροῦντα ἀπειληφθέναι
τὸ χρυσίον. εἰ μὲν γὰρ ἡ μαρτυρία ἡ τοῦ Λάμππιδος
κατεβάλλετο ἐνταῦθ’, ἵσως ἄν ἐφασαν οὗτοι 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.

συναδικοῦντος See § 28.

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

ὅτι] i.e. λέγωντες 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 χρήσιμαι] ‘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, οὐδὲν 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 ἔχεινον. ‘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?’

ἐπικατητεσθα] ‘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, πάντως γὰρ οὐδεὶς ἐπικήθηκεν αὐτῷ, where Stallbaum compares ἐπισκῆψαι so used by Aeschines, adv. Timarch. p. 142. The middle occurs in Or. 48 § 45, έπειτε εἰ μὴ ἔστι ταῦτ’ ἀληθῇ ἃ λέγω, δα τί οὐκ ἐπισκήψαμεν ἐγὼ τότε τοῖς μάρτυσι τοῖς ταύτα μαρτυροῦσιν; [Lysias, Or. 23 § 14, ἐπισκήψαμεν δὲ τῷ μάρτυρι οὐκ ἐπεξήλθεν, Aristot. Pol. π 12 § 11, Χαρώνδου δ’ οἶδον μὲν οὐδὲν ἐστὶν πλὴν αἰ δίκαι τῶν ψευδο-

muαρτυριίων, πρῶτος γὰρ ἐπέκη-

σε τήν ἐπισκήψιν. Bentley’s Phalaris, 1 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 (κακοτεχνίαν), 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?' Kennedy observes, 'there is a rhetorical antithesis, of course, between ἄκυρον and κύριον: 'you say that he did borrow, but is not bound to pay!' There is a very similar sentence inf. § 49.

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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 εξάρνος—ἀρχής as a separate clause, 'after denying at first,' and either insert δὲ after the following νῦν, or omit νῦν—μαρτυρεῖ.

48. καὶ οὖσα] The sentence is still continued from πῶς οὖκ ἀτέσθην ἄν εἶ ἐκ, κ.τ.λ. Hence the optative υπολαβάσθε. 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 οὖκ ἦστε 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 γ᾿ ἀν ἐι, εἰ τῶν μὲν εἷς ἄρχης ἀδικημάτων οὐ δίδωσιν ἐξε πέντε ἐτῶν τὰς δίκαιας τοῖς ὀραμαῖοις νόμοις—πρὸς δὲ τοὺς εἰς ἔκεινον ἡμᾶς—εἰκοστὸν νῦν ἦτο δίκη τελέσασθαι 'ὑμεῖς. Lysias, Or. 30, κατὰ Νικομ. § 32, δεινὸν δὲ μοι δοκεῖ εἶναι, εἰ τούτων μὲν εἶνός ὄντος—οὐκ ἐπεξελεγμένην δείσατο, —ὑμᾶς δὲ—ὑγιήσουσιν πείδευν ὡς, κ.τ.λ. Id. Or. 31, κατὰ Φιλανος, § 31, σχέτικον δὲ ἀν εἰ, εἰ οὗτος μὲν ἀπαντάς τοῖς πολίτας περὶ οὐδένος ἡγήσατο, υμεῖς δὲ τούτων ἐαυτὰ μὴ ἀποδοκιμάσατε. Or. 51, κατὰ Κοσ. § 29, εἰ δὲ ἀργυρόν ταῦτα καὶ—οὐ παρεσκευάσατο ἐπὶ τηλικοῦτον κινδύνου, κ.τ.λ. The question of οὐ or μή turns, of course, on the clause being regarded as stating a fact or a mere supposition or possibility. Thus here ἀποστοι εἰ ὑμεῖς οὐκ ἦστε means, 'it is strange that you refuse to be witnesses to the non-payment.'

τεκταίωμένοις] Patched up, fabricated, put together. Ar. Equit. 462, ταῦτα μὰ τὴν Ἰμητρὰ μ' οὖκ ἔλαυθανεν τεκταίωμενα τὰ πράγματ'.

ἐκ παρασκευῆς] As the result of a plot.
παρασκευής, ἀλλ' ἐκ τῆς ἀληθείας ἔλεγε, τὰ δ' ὑστερον 49 ψευδόμενος καὶ πρὸς τὸ συμφέρον αὐτῷ. ἀναμνήσθητε δ', ὡς ἀνδρεσ' Ἀθηναίοι, ὅτι οὐδ' αὐτὸς ὁ Λάμπις ἔξαρνοι ἐγένετο ὡς οὐκ εἰη εἰρηκός ὅτι οὐκ ἀπειληφθεῖ τὸ χρυσίον, ἀλλ' εἰπεῖν μὲν ὀμολογεῖ, οὐ μέντοι γὲ ἑντὸς ὁν αὐτοῦ εἰπεῖν. οὐκ οὖν ἀτοπον, εἰ τῆς ἐκείνου μαρτυρίας τὸ μὲν πρὸς τοῦ ἀποστερόντος πιστῶς ἀκούσεσθε, τὸ δ' ὑπὲρ τῶν ἀποστερουμένων ἀπίστοι ἔσται παρ' ὑμῖν; μηδαμῶς, ὡς ἀνδρεσ δικασταί. ὑμεῖς ἡρὸ ἐστε οἱ αὐτοὶ οἱ τὸν ἑπίθεδανεισμένον ἐκ τοῦ ἐμπορίου πολλὰ χρήματα καὶ τοὺς δανεισταῖς οὐ παρασχόντα τὰς ὑποθήκας θανάτῳ ξημιώσαντες εἰςαγγελθέντα ἐν τῷ δήμῳ, καὶ ταῦτα πολίτην ὑμέτερον ὁντα καὶ πατρὸς

πρὸς τὸ συμφέρον αὐτῷ] Supply βλέπων ἔλεγε.

49. εἰη εἰρηκός] 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.

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

μηδαμῶς] sc. πιστῶς ἀκούσητε τὰ τοιαῦτα.

§ 50. You dicasst 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 εἰςαγγελία 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 ἑπίθεδανεισμένον] In the medial sense. See sup. § 6.—οὗ παρασχόντα, § 7.

πατρὸς ἑστατηγηκότος] The Athenians had an extraordinary
regard for a στρατηγὸς, and his character was regarded almost as 'sacrosanct.' Hence the crime of Clytemnestra is exaggerated in Aesch. Ag. 1605, ἀνδρὶ στρατηγῷ τὸν ἔξολον χάρῳ μόρον, compared with Eum. 434, 505, Soph. El. 1, ὥσ τὸν στρατηγόντος ἐν Τροίᾳ ποτὲ Ἀγαμέμνονος παῖ, ibid. 694, τοῦ τὸ κλειστον Ἑλλάδος 'Ἀγαμέμνονοσ στρατηγὸν ἀγαραβτόν ποτὲ. Timoc. p. 742 § 185, 'Ἀρχίνων νόσ τοῦ —πολλὰ καὶ καλὰ πεπολιτευμένον καὶ ἐστρατηγηκῶτον πολλάκις.

51. τοὺς ἐντυγχάνοντας] 'Those who have dealings with them.' Hence the later use, e.g. in Theophrastus, of ἐνενεῦσις for 'behaviour,'

ai ἐντωρίαι.] The resources, the supplies of ready money, ai ἄφοραι. ἐντωρίαι and συνενηπαρεῖν (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 δίκαιοι δίκαις ἐμπορίκαις. It is reasonable to suppose that such juries would be selected from men acquainted with business. See Or. 56 § 16.

52. προβεβεβένοις] 'Who lend on risk.'—θηρίων, a strong word, used in Or. 35 § 8, οὐδὲν ᾧ δει οἷος θηρίος ἐπλησίαζέ. Or. 24, κατὰ Τιμοκρ. p. 745 § 143, οὐκ ἀν φθάσαι τὸ πλῆθος τοιοῦτος θηρίων δουλεύων, on which Mr Wayte observes, 'the word θηρίων is freely applied by the orators in invectives.'
'Εγώ μὲν οὖν ὁσαπερ οἶός τ' ἦν εἰρηκαί καλῶ δὲ καὶ ἄλλοι τινὰ τῶν φίλων, ἐὰν κελεύητε.

καὶ ἄλλοι τινὰ] Demosthenes himself, perhaps. See Or. 56 fin., ἄξιω δὲ καὶ τῶν φίλων μοι τινὰ εὐηπείν, δεύρο, Δημόσθενες. It is clear that in such a case 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 ΔΑΚΡΙΤΟΥ 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
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 Nausiciprates of Carystus (in Euboea) as lenders, and the brothers Artemo and Apollodorus\(^1\), of Phaselis, as borrowers\(^2\). 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 (\(\acute{\alpha}μφότερόπλοις\)). 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;

\(^1\) [That Apollodorus (as well as Artemo) was a brother of Lacritus has been inferred from § 15, \(\ddot{o} \acute{\alpha}δέλφοι \ddot{o} \tauούτον\), cf. 42. But cf. 7, 'Αρτέμωρι τῷ τούτου \(\acute{\alpha}δέλφῳ καὶ Απόλλωνδρῳ\) and §§ 3, 15, 36, where Artemo alone is described as brother of Lacritus. Artemo is dead (3); and L. is his sole heir. This would be impossible if Apollodorus also, who is apparently still alive, had been a brother of L. Blass, \textit{Att. Ber.} \textbf{III} 502. S.]

\(^2\) Kennedy inclines to think that the action lay solely between Androcles and Lacritus, as the custom at Athens was to make contracts between parties both joint and several. See on § 34.
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.

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.]
'Ανδροκλής δανείσας χρήματα Ἀρτέμωνι Φασηλίτῃ τὸ γένος, ἐμπόρῳ, τελευτήσαντος ἐκείνου πρὶν ἀποδοῦναι τὸ ἀργύριον, εἰςπράττει τὸν ἀδελφὸν αὐτοῦ Λάκριτον 923 τῶν σοφιστῶν, δύο προβαλλόμενοσ δίκαια, ὅτι τε πα-5 ρόντως Λακρίτουκαί ἀναδεξαμένου τὸ ἀργύριον ἐδάνειεσε τῷ Ἀρτέμωνι, καὶ ὅτι κληρονόμος ἐστὶ τῶν Ἄρτεμωνος Λάκριτος. ὦ δὲ τῆς μὲν κληρονομίας ἀφίστασθαι φησί, παραγράφεται δὲ τὴν δίκην, λέγων μηδὲν ἑαυτῷ πρὸς Ἀνδροκλέα συμβολαίον εἶναι μηδὲ συγγραφὴν μηδε-10 μίαν. πάντως δὲ καὶ τὸ ἀναδεξῆθαι ἐξαρνος γίνε-38 ται: οὔδε γὰρ ἀν τοῦτο ὀμολογῶν ἡγισώμονει πρὸς τὴν ἑκτίσιν.

Οὐκ ὁρθῶς δὲ τινες ἐνόμισαν τὸν λόγον μὴ γνήσιον

3. **Argument. εἰςπράττει, κ.τ.λ.**] 'Endeavours to make his brother Lacritus pay, putting forward 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 συμβολαίον] 'No transaction (or obligation) between himself and Androcles, nor any written bond.' See Or. 34 § 3, and Or. 41 § 5, ἐως μὲν ὁ Δεωκράτης ἢν κληρονόμος τῶν Πολυεύκτου, πρὸς ἑκείνου ἢν μοι τὸ συμβολαῖον.

10. **τὸ ἀναδεξῆθαι**] 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 ὁρθῶς, κ.τ.λ.**] 'Some critics have wrongly thought this speech is not genuine, deceived by some obscure indications.
eιναι, ἀμυνδροίς ἀπατηθέντες τεκμηρίοις. τὸ μὲν γὰρ
15 τῆς φράσεως ἀνειμένον οὐκ ἀπρετές ἰδιωτικοίς ἀγώσι,
tὸν δὲ Δία τὸν ἀνακτα κατὰ τὴν τοῦ προσώπου τοῦ
ὑποκειμένου συνήθειαν δῆλος ἔστιν ὁνομακώς, πρὸς
dὲ τὴν παραγραφὴν ἀσβενέστερον ἀπήντηκε διὰ τὸ
πράγμα τὸ ποιηρῶν.

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. οἰα ἐτοι-χωρύχησαν οὕτω περὶ τὸ δανειον in § 9 and εἰθὸς ἀπ' ἀρχὴς 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 as 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 π 357) in thinking that the evidence preponderates against our ascribing the speech to the authorship of Demosthenes. (From Dem. u. seine Zeit π 2 p. 291.) The same view is also taken by Blass (Attische Beredsamkeit, πι 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, t 316. S.)

Beöckh (Publ. Econ. Bk. 1 chap. xxii), in commenting at some length on this oration, expresses no doubt of its genuineness.

18. διὰ τὸ πράγμα τὸ π. i.e. διὰ τὴν ποιηρίαν 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 παραγραφή 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 ὧν ποιηρῶν, or διὰ τὸ τοῦ πράγματος ποιηρῶν. [The subject of ἀπήντηκε is the same as that of δῆλος ἔστιν ὁνομακώς, viz.
Ovdein kaivon diaprapontontai ois Fasylitai, o an-dres dikastai, allex apere eivóbasin. Outoi yar deinótatoi mên eisai danaíssasthai xhrímati en to èmporío, èpeidhain de lábwsai kai syngrafhí syngrafwontai vaútkih, eivóús epelávontos kai tòw syngrafwv kai tòw nóvon kai òti dei apodóuvai autòis ò elaßouv, kai 2924 oiountai, ean apodósinw, wsper tòw idíon tì tòw eaut- tòv apololokénav, allex anti tòv apodóuvai sofísmata eúrísksouvs kai paragráfhas kai profoússeis, kai eisoi tougrótatoi anbhrwpos kai adikwtaoi. tekmihrion de toutoù polloù gár aífiknovménon eis to ýmèteron èmpório kai Eillhnnos kai bárbbaros, plieínous dikei eisiv ekástote autón tòn Fasylitón h tòn állon apánntov. Outoi mên oin toioitoi eiswv. Ógaw ð', ò 3

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 ἰδίων τι. Lit. 'they think they have lost something of the private property that belonged to themselves,'—a needless tautology. Compare inf. § 12, kai ek tôn toutów apánntov. allassa k.t.l. '(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.'

[afikonumewn] See Or. 34 § 1. ekástote] On each occasion when the courts sit to try .empír- kai diá. Kennedy translates 'year after year.' See on § 47. autón] '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.

[outoù mén oin toioitoi eiswv] Or. 43 (Macart.) § 68, Or. 48 (Olymp.) § 56. These parallels
ἀνδρεὶς δικασταί, χρήματα δανείσας Ἀρτέμωνι τῷ τοῦτον ἀδελφῷ κατὰ τοὺς ἑμπορικοὺς νόμους, εἰς τὸν Πόντον καὶ τὰλίν Ὁθήμαζε, τελευτήσαντος ἐκείνου πρὶν ἀποδοθοῦναι μοι τὰ χρήματα, Λακρίτῳ τοῦτῳ εἰλη-χα τὴν δίκην ταύτην κατὰ τοὺς αὐτοὺς νόμους τούτους 4 καθ' οὕστερ τὸ συμβόλαιον ἐποιησάμην, ἀδελφῷ ὅντι τοῦτῳ ἐκείνου καὶ ἔχοντι ἁπαντὰ τὰ Ἀρτέμωνος, καὶ ὅσ᾽ ἐνθίδει κατέληπτα καὶ ὁσὰ ἦν αὐτῷ ἐν τῇ Ψασῆλίδι, καὶ κληρονόμῳ ὅντι τῶν ἐκείνων ἁπαντῶν, καὶ οὐκ ἂν ἔχοντος τούτου δεῖξαι νόμον ὡστις αὐτῷ δίδωσιν ἐξουσίαν ἔχειν μὲν τὰ τοῦ ἀδελφοῦ καὶ διώκεον οἴπος ἐδόκει αὐτῷ, μὴ ἀποδοθοῦναι ἕτε τάλλωτρα χρήματα, ἀλλὰ λέγειν νῦν ὅτι οὐκ ἐστὶ κληρονόμος, ἀλλὰ ἀφίσ-5 ταται τῶν ἐκείνου. ἢ μὲν τούτου Λακρίτου ποιησίᾳ τοιαῦτη ἐστὶν ἐγὼ δ᾽ ύμῶν ἰδομαί, ὃ ἀνδρεὶς δικασταί, εὐνοικῶς ἀκοῦσαι μοι περὶ τοῦ πράγματος τούτου· κἂν ἐξελέγξω αὐτὸν ἀδικοῦντα ἡμᾶς τε τοὺς δανείσαν-τας καὶ ὑμᾶς οὐδέν ἕττου, βοηθεῖτε ἡμῖν τὰ δίκαια.

a κατέληπτε Ζ. κατέληπτεν Σ. κατέληπτε Bekker.

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 Ψασῆλίδι] Whether Ar-
temo 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 pro-
erty, 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, ἀφισταίμαι τῶν ἐκείνου, '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 ἀποδόντες or παρασχόντες. Mr Mayor (p. 244) regards it as a cognate 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, B.C. 343 (p. 403 § 128), and in p. 436 § 297 he is named as a man of mark, one of those who καιρόν γεγόνασιν ἵσχυροι. Melanopus, son of Diophantus, appears to have been called after his maternal uncle, the Melanopus who is attacked by Dem. in Or. 24, Timocr, §§ 125—130, and is described by Harpocration as κράτεστις Διοφάντων τοῦ ῥήτορος. A. Schaefer, Dem. u. s. Zeit, π2 2. 290. S.]

χρωμεθά [In trade-transactions, perhaps. So in Or. 33 § 7, χρωμεθα ὁ Ἡρακλείδη τῷ τραπεζίτῃ ἐπέσα αὐτὸν δανείσαι τὰ χρήματα λαξίντα ἐμε ἐγγυητὴν. And ibid., § 5, τούτῳ τοῖς ἐκ Βυζαντίου καὶ πάνω οἰκεῖοι χρωμα διὰ τὸ ἐνδιατρίβαι αὐτόθι. οὗτοι] Thrasymedes and Melanopus, not οἱ ἀνθρώποι οὕτως, 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. ὅπως ἂν, κ.τ.λ.] 'That they might be engaged in a trading enterprise.' The more usual phrase is ὅπως ἔσονται. According to Hermann, the addition of the ἂν implies result rather than mere purpose. Kennedy accordingly renders it 'so that they might be profitably employed.'

ὁὐδ' ὁ Θ. [Thrasymedes did not know what rogues the defendants were, any more than the speaker, Androcles, did. ἐπιεικεῖς] 'Respectable.'
olae per prosopoiounto kal ɛfasaen eivai, kal ʰgyoumevos
poiušen avtous tanta ὑσαπερ ύπισχυειτο kal anede-
χετο Δάκριτος ουτοσι. πλειστον δ’ ἄρ’ ὡν ἔψευσμενος,
καὶ οὐδὲν ἔδει οἷος θηρίου ἐπιησίαξε τοῖς ἄνθρωποις
τούτωι. καγώ πεισθεῖς ὑπὸ τοῦ Ὀσαρυμῆδου καὶ τοῦ
ἀδελφοῦ αυτοῦ, καὶ Δάκριτο τουτοῦ ἀναδεχομένου
μοι πάντι ἑσεσθαι τὰ δίκαια παρὰ τῶν ἀδελφῶν τῶν
αυτοῦ, ἐδάνεισα μετὰ ξένου τινὸς ἡμετέρου Καρυστίου
τριάκοντα μνᾶς ἄργυριον. βούλομαι οὖν, ὥ ἄνδρες
δικασταῖ, τῆς συγγραφῆς ἀκούσαι ὡμᾶς πρῶτον, καθ’
ἣν ἐδανείσαμεν τὰ χρήματα, καὶ τῶν μαρτυρῶν τῶν
παραγενομένων τῷ δανείσματι ἐπείτα περὶ τῶν ἄλλων
ἐπιδείξομεν, οἷα ἐτοιχωρύχησαν οὖτοι περὶ τὸ δάνειον.
λέγε τὴν συγγραφῆν, εἴται τὰς μαρτυρίας.

ΣΤΙΓΡΑΦΗ ｄ.

10 [Ἐδάνεισαν Ἀνδροκλῆς Σφήττιος καὶ Ναυσικράτης
Καρυστίος Ἀρτέμων καὶ Ἀπολλοδόρῳ Φασηλίταις

ｃ Σ. ἐπείτα Ζ.

ｂ ‘Syngraphen et testimonia omnia om. Σ.’ Bekker. ‘Nos
omnia cancellis sepsimus.’ Ζ.

υπισχύειτο, κ.τ.λ.] ‘All that
Lacritus promised and engaged
they should do.’ Heaych. ἀνε-
δέξατο ὑπέσχετο, ὑμολογησεν.
8. ἄρ’ ὡν] ‘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 θηρίου see Or. 34
§ 52. Mr Penrose is wrong in
taking ἐπιησίαξε transatively,
in the sense of ἐπιθάλαξε. (An
instance is cited in Liddell and
Scott from Xen. de Re Equest.
Π 5, but πλησίαξεν 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.

ἄργυριον] ‘In cash.’
9. ἐτοιχωρύχησαν] ‘How they
acted like burglars in the matter
of this loan.’ A strong and in-
vidious expression, like θηρίος
above. Cf. Or. 54 (Conom) § 37
and Or. 45 § 30, κακωργήσαι
καὶ διορίζαι πραγματα.

§§ 10—13. The contract. Like
all the laws, depositions, and
(as in the Pantaenetus, Or. 37)
ἐγκλήματα, or grounds of acu-
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 cannot 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 interpolate 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 eingelegeten 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 iii p 286, 3. See also Sauppe, Philologenversammlung in Halle 1869. Blass, Att. Ber. iii 502, holds that the forgery of the documents in the present speech would be a task far beyond the skill of a later writer. They are repeatedly quoted by Harpocration s. v. Μένυθ (§ 10), σύλας (13), διωπεύων (20).]

The genuineness of the contract 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 i chap. xxiii p. 137 seqq. ed. Lewis’s = p. 190 ed. Lamb.

[On the two terms as used in 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 Pantica-paeum ἡ μυρρότοις τῶν Βοσποριανῶν, but he speaks just before of οἱ τοῦ Βοσπόρον δυναται 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 eastward) parts of the Pontus as far as the river Borysthenes’ (Dnieper).

ἐπὶ διακοσίας] On terms of paying 225 per 1000, i.e. 22½ 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, ώρα, was then practically at an end. So the danger of a voyage is magnified in November, Aesch. Ag. 826. See Hes. Opp. 616—28. Virg. Georg. i 204. Plautus, Rudens, Prolog. 69, where Arcturus says, 'increpui hibernum et ductus movi maritimos. Nam Arcturus signum omnium acerrimum; vehementes sum exoriens, quum occido, vehemens.' [Or. 34 arg. l. 4]. From § 52 it appears that this man also was a native of Phaselis. The word eikósoiros contains the root of ἐρέσσεως, and it is a curiously clipped compound. It occurs in Od. ix 322, ἀσσων θ᾽ ιατόν νηὸς εἰκόσσοροι μελαινης. The vessel, Mr Penrose observes, must have been of considerable size.

11. υποτίθεασι 'They hypothecate these goods, not owing upon them any money to any other person, nor will they borrow anything further upon them.' Kennedy. For ἐπιδανείσσονται 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 ἐφευρῷ, &c.—ἐν τῷ αὐτῷ πλοῖῳ. This clause is designed to forbid the use of any less sea-worthy vessel.
'Ἀθήνας πάλιν ἐν τῷ αὐτῷ πλοίῳ ἀπαντά. σωθέντων δὲ τῶν χρημάτων Ἀθήνας ἀποδώσουσιν οἱ δανεισάμενοι τοῖς δανείσασι τὸ γιγνόμενον ἄργυριον κατὰ τὴν συγγραφὴν ἡμερῶν εἴκοσι, ἀφ' ἢς ἄν ἔλθωσιν Ἀθήνας, ἐντελὲς πλὴν ἐκβολῆς, ἢν ἢν δὲ σύμπλοι ψηφισάμενοι κοινὴ ἐκβάλλονται, καὶ ἢν τι πολεμίως ἀποτίσωσιν τῶν δ' ἄλλων ἀπάντων ἐντελές. καὶ παρέξουσι τοῖς δανείσασι τὴν ύποθήκην ἀνέπαφον κρατεῖν, ἑώς ἢν ἀποδώσι τὸ γιγνόμενον ἄργυριον κατὰ τὴν συγγραφὴν, ἢν δὲ μὴ ἀποδώσιν ἐν τῷ συγκει-12 μένῳ χρόνῳ, τὰ υποκείμενα τοῖς δανείσασιν ἐξεστῶ υποθείναι καὶ ἀποδόσθαι τῆς υπαρχούσης τιμῆς καὶ ἢν τι ἐλλείπῃ τοῦ ἄργυρίου, ὅ δει γενέσθαι τοῖς δανείοις.

A et r. πάλιν Ἀθήνας ᾿Ζ. Τὸ γιγνόμενον] 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 βαλεῖν σφενδόνης ἀπ' εὑμέτρου, 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. 309 (P.). Hesych. ἀνέπαφος ἀψηλάφησος.

12. υποθείναι, κ.τ.λ.] 'To pledge or even to sell at the market value' ( 'for such price as can be obtained,' Kennedy). It seems here a synonym of καθεστώσῃς καὶ ἢν τι, κ.τ.λ.] 'And if there is any deficiency in the money which is due to the lenders under the agreement, it shall be lawful for the lenders, both or either of them, to levy the amount by execution against Artemo and Apollodorus and against all their property, whether on land or sea, wherever they may be, in the same manner as if a judgment had been recovered against them, and they had committed default in payment.' Kennedy. This clause, of course, gives absolute right of seizure of any property to one or both, so that in the event of only one debtor being dishonest, the other is liable for the whole.
σασι κατά τὴν συγγραφὴν, κατά Ἀρτέμιωνος καὶ Ἀπολλοδώρου ἐστω ἡ πράξεις τοῖς δανείσασι καὶ ἐκ τῶν τούτων ἀπάντων, καὶ ἐγγείων καὶ ναυτικῶν, πανταχοῦ ὅπον ἀν ὁσι, καθαπερ δίκην ὅμφληκτων καὶ 927 ὑπερμέρων ὄντων, καὶ ἐν ἐκατέρω τῶν δανεισάντων 13 καὶ ἀμφοτέρως. ἐάν δὲ μὴ εἰςβάλωσι, μείναντες ἐπὶ κυνὶ ἡμέρας δέκα ἐν Ἑλλησπόντῳ, ἐξελόμενοι ὅπον ἀν μὴ σύλαι ὁσιν Ἀθηναίοις, καὶ ἐντεύθεν καταπλεύσαντες Ἀθηναῖε τοῖς τόκους ἀποδόντων τοὺς πέρυσι γραφέντας εἰς τὴν συγγραφὴν. ἐάν δὲ τι ἡ ναύς πάθη ἀνήκεστον ἐν ὁ ἀν πλέη τὰ χρήματα, σωτηρία ἐστω

13. εἰςβάλωσι.] 'Make the entrance of Pontus.' A nautical term, probably, familiar to navigators in that sea and to those coasts.—ἐπὶ κυνι, 'after the rising of the dog-star.' 'Bad weather seems to have been generally expected in thedog-days [July 25 to August 5].’ Penrose.

δοπον ἀν μὴ σύλαι ὁσιν] ‘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 σιλῶν Φασιλίταις κατ' Ἀθηναίων.

[Harpocrates s. v. σύλαι: ΔΗΜΟΣΕΝΗΣ ἐν τῷ περὶ στεφάνου τῆς τριπεράξας (page 1292, 4) καὶ τῷ πρὸς τὴν Δακρότου παραγραφῆς 'ἐξελόμενος ὅποταν (sic) μὴ σύλαι ὁσι Ἀθηναῖοι...' S.] τοὺς 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'annee commencait au mois de juin, au solstice d’etre. 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 ἀνήκεστον] Like ἀφανίζοντας, ‘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 περιγενόμενα, 'any goods that may be saved be the property of both lenders alike.' By κοψα (in which Kennedy “can see no force”) is meant
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’ ἔσται part of the protasis, and commencing the apodosis with τὰ περιγενόμενα, adopt a solecistic syntax, ἐὰν—ἔσται, 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, Leuconoë or Leuconium (Photius), Piraeus and Pitthis, were all Attic demi. Α Θεόδωτος ἰσοτελῆς is mentioned in Or. 34 § 18.
15 Kata tìn sunýgrafoũn taútìn, ó ãndres dikastai, edánisea tâ chrîmata Artêmoun tw tou toûn âdelphâ, keleúontos tou toûn kai anadechoménon ãpanv' èbes ña 928 mou tâ dikaiâ kata tìn sunýgrafoũn, kath' ãn edánisea tou toûn ântoi gráfoûnou kai süsoumenaménon, èpideî ñgráfhei. Òi mèn ãnâ ádelfoi Òi tou toû Ýti neôteroi ñsan kai meirákia pautápasi, ouûtôsî ðè Lákritos.

16 Fasýlîtis, méga prágamma, 'Ioukratous màthêtis' ou vos ãn ò pânta dioukôn, kai èantô me touv vouv prós-

§§ 15—17. Continuation of the narrative. At the personal request and engagement of Lákritus 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. 

'susoumenaménon] 'Joining in the signature.' Or. 41 § 22 (prós Ïîúswiâan):—tî ðè suusoumenánto pâlû tâ ìmèn ìnîes ònta ìmè ìlhè ñgrîmàta; 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.

'méga prágamma] 'A great man,' òkouûn ènai tís. Peurose compares Herod. iii 132, òn méug- 

'stou prîgima Ïînoukíðhîs tw ëpîlû.' 

'Ioukratous màthêtis] Cicero, Brutus, § 32, 'Isocrates, cuius domus cunctae Graeciae quasi ludus quidam patuit atque officina dicendi.' Quintilian ii 8, 11, 'Clarissimus ille praecipit Isocrates, quem non magis libri bene dixisse, quam discepuli bene docuisset testatur.' Amoungst his best-known pupils were the orators Isaeus, Hype- 

'rides, Lycurgus; the historians Theopompus and Ephorus; also Timotheus the celebrated general, and Androction the orator and demagogue attacked by De- 

mosthenes: who describes him as têxhîs tîu lêgeinw ña pânta tîw òiôn êxâlakêw ënî touû (Dem. Andrôt. § 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. Sannegg (de Schola Isocratea, p. 60), who describes Lacritus as 'dema- 

gogus magis et callidus versus- 

tusque vir quam litteris deditus, 

tamen in arte rhetorica—si fides 

habenda—Pseudo-Demostheni Or. 

in Lacr. 41—tradenda versatus. 

Ea enim oratio adeo disciplinae 

Isocrateae maledicit, ut e more 

Demosthenis fieri nequibt.' Cf. 

note on ðÝlîthês l. 13. S.)

16. èantô p死者circ; 'To at- 

tend to him,' i.e. to trust him 

rather than Artemo for the 

fulfilment 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 
θαυμασίως ὡς πιθανοῖ. The passage is important as showing the same feeling against the Sophists which had prevailed so long before. See especially the opinion of Aristotle, Eth. Nic. x 9, 20.

17. ὃ τι ἐδόκει (χρήσασθαι) 'for whatever purpose they chose.' The almost unvarying idiom is τὸ χρήσαμαι τῶδε; 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 αὐτὸ καθισταμένην = καθιστασθαί.—σὺν τοῖς, κ.τ.λ. ‘including the expenses which had to be incurred for the vesselling and stowage of the wine.’ Kennedy, Comp. Or. 34 § 7, σὺν τῷ ἐπιστησιμῷ. It will be observed that the contract (10—14) contains no clause to this effect.

19. τὰ κεράμια τὰ τρό.] Note the force of the double article: ‘all this pretended cargo of the 3000 jars,’ &c. So above, § 17, ἡ συγγραφὴ ἡ παντική is ‘this bond which they pretend to have been bound by (but have violated).’ Inf. § 30. ὁ ἀδελφὸς ὁ Ἀρτέμιων, § 32, τὸ πλοῖον τὸ ναυαγήσαν, and τὸ οἰνάριον τὸ Κῆλον (where incredulity of the existence of a lost cargo is implied), § 52, τὸ ναυκλήρου τοῦ Φασιλίτου. 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 Ἡβλεσίου’s ship.
[Ἐρασικής μαρτυρέω κυβερνᾶν τὴν ναύην Τβλη- 
σιος ἐναυκλήρει, καὶ εἰδέναι Ἀπολλόδωρον ἀγόμενον ἐν 
tῷ πλοίῳ οἰκον Μενδαίου κεράμια τετρακόσια πεντῆ-
κοντα, καὶ οὐ πλείω. ἄλλο δὲ μηδὲν ἀγώγημον ἀγεσθαί 
ἐν τῷ πλοίῳ Ἀπολλόδωρον εἰς τὸν Πόντον.

Ἰππίας Ἀθηναίππου Ἀλκαρνασσεῖς μαρτυρεῖ 
συμπλείν ἐν τῇ Ἰβλησίαν νηὶ διοπεύωνκ τὴν ναύην, καὶ 
eιδέναι Ἀπολλόδωρον τὸν Φασηλίτην ἀγόμενον ἐν τῷ 
pλοίῳ ἐκ Μένδης εἰς τὸν Πόντον οἰκον Μενδαίου κερά-
μια τετρακόσια πεντῆκοντα, ἄλλο δὲ μηδὲν φορτίον.

Πρὸς τοίοδ’ ἐξεμαρτύρησεν ἈρχάϊδοςΜησσωνί-
δου Ἀχαρνέως, Σώστρατος Φιλίππου Ἰστιαίόθεν, 
Εὐμάριχος Εὐβοϊον Ἰστιαίόθενm, Φιλτιάδης Κτησίων 
Ξυπεταίων, Διονύσιος Δημοκρατίδου Χολλείδης.]

k διοπεύων restored by Dindorf, Z and Donaldson (New Crat. 
§ 433), Bekk. st. διοπτεύων Bekker 1821 cum libris.
1 Ἀρχάϊδος Z cum F Φ. Ἀρχάϊδος Bekker.
m om. Z.

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

dioptene) An overlooker or 
super-cargo. A form of dio-
ptene), seen also in ὑπιτπεύων. 
Aeschylus has βασιλῆς δίοποι in 
Pers. 44 (Hesych. ἐπιμεληταί). 
And Hesych. has διοπεύων ἕπ-
μελεσθαι νέως.—δίοπος ἔτοικο-
πος, ἄρχων, ναῦσαρχος, ἐπιστάτης, 
διάπτης. — διοπτεύων κατασκο-
pευν.—[Schol. διοπτεύων ὑπι-
πεύων τα κατὰ τὴν ναύην, οἷν 
διάπος τις ὄν, ἑγὼν κατασκοπών. 
Harrocrat. διοπτευόν (sic) Δη-
μωθένης ἐν τῷ κατὰ Λακρίτου. 
διάπος λέγεται νέως δ ἐν τοιούτων καὶ 
ἐπιστευών τα κατὰ τὴν ναύην. See 
Büchsenschütz, Besitz u. Er-

werb, 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-
tiae'(Oreus) in Euboea, of which 
island Nausicrates, the partner 
of Androcles, was a native, § 
10.

Ξυπεταίων] Photius, Ξυπε-
taιώνες (sic), ὁμοιός τῆς Κεκρο-
pίδος Φιλῆς. Ξυπεταίη, ἀφ’ ἦς ὁ 
δημότης Ξυπεταίων. Hesych. 
Ξυπετέα: ὁμοιός τῆς Κ. φ. The 
proper form is Ξυπετὴ (Steph. 
Byzant.).—Χολλείδης, Αρ. Αχ. 
405, of the dème Chollidae.

5—2
21. Περὶ μὲν οὖν τοῦ πλῆθους τοῦ οἴνου, ὅσον ἐδει αὐτοῦς ἐνθέσθαι εἰς τὸ πλοῖον, ταῦτα διεπράξαντο, καὶ ἤρξαντο εὐθὺς ἐντεύθεν ἀπὸ τοῦ πρῶτου γεγραμμένον μένου παραβαίνειν καὶ μὴ ποιεῖν τὰ γεγραμμένα. μετὰ δὲ ταῦτ᾽ ἔστιν ἐν τῇ συγγραφῇ ὅτι ὑποτιθέασι ταῦτ᾽ ἔλευθερα καὶ οὐδενὶ οὐδὲν ὀφείλοντες, καὶ ὅτι οὐδὲν ἐπιδιανείσονται ἐπὶ τοῦτοις παρ᾽ οὖν δενός. ταῦτα διατρήθησαι γέγραπται, ὡς ἀνδρεῖς δικασταῖ. οὕτοι δὲ τὰ ἐποίησαν; ἀμελήσαντες τῶν γεγραμμένων ἐν τῇ συγγραφῇ δανείζονται παρὰ τινος νεανίσκου, ἐξαπατήσαντες ὡς οὐδενὶ οὐδὲν ὀφείλοντες· καὶ ἦμᾶς τε παρεκρούσαντο καὶ ἐλαθον δανεισμένοι ἐπὶ τοῖς ἡμετέροις, ἐκεῖνον τε τὸν νεανίσκον τὸν δανείασαντα ἐξηπάτησαν ὡς ἔπτ᾽ ἔλευθεροι τοῖς χρήμασι δανειζόμενοι· τοιαῦτα τούτων ἐστὶ τὰ κακουργήματα. ταῦτα δὲ πάντ᾽ ἔστι τὰ σοφίσματα Δακρίτου τουτοῖ. ὅτι δ᾽ ἀληθῆ λέγω καὶ ἐπεδανείσαντον χρήματα παρὰ τὴν συγγραφήν, μαρτυροῦν τὰ Ζ εὐμ Σ.—ομ. Βεκκέρ.

§§ 21, 22. A further violation of the contract was the raising of 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 οὖν κεραιμίας τραχλίοις.


καὶ ἦμᾶς 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 τοιαῦται is a predicate inf. § 24. For the use of the article compare Aesch. Theb. 646, τοιαῦτ᾽ ἐκεῖνων ἐστὶ τάξευρήματα. (The sentence in Demosthenes is also in iambic verse.) [On Iambic verses in prose cf. Isocr. Paneg. § 170, n. S.]

§ 23. Ἀφίδαυτι that the second loan was advanced in ignorance of a former loan having been made on the same security.
 Alonso andavóseta υμῖν αὐτοῦ τοῦ ἑπτανεὶςαντος. λέγε 23 τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

[‘Αρατος Ἀλικαμνασσεύς μαρτυρεῖ δανείσαι Απολλοδώρῳ ἐνδεκα μνᾶς ἁργυρίον ἐπὶ τῇ ἐμπορίᾳ ἤν ἔγεν εν τῇ Τύβησιον νη ἐις τὸν Πόντον καὶ τοῖς ἐκείθεν ἀνταγορασθείσι, καὶ μὴ εἰδέναι αὐτὸν δεδανεισμένον παρὰ Ἀνδροκλέους ἁργύριον οὐ γὰρ ἀν δανεῖσαι αὐτὸς Ἀπολλοδώρῳ τὸ ἁργύριον.]

Αἶ μὲν πανοργίαι τοιαῦται τῶν ἁνθρώπων τούτων 24 εἰσίν. γέγραπται δὲ μετὰ ταῦτα ἐν τῇ συγγραφῇ, ὡ ἀνδρεῖς δικασταὶ, ἐπειδὰν ἀποδῶνται ἐν τῷ Πόντῳ ἢ 931 ἡγομ. πάλιν ἀνταγοραζέων χρήματα καὶ ἀντιφορτίζειν καὶ ἀπάγεων ’Αθήνας τὰ ἀντιφορτισθέντα, καὶ ἐπειδὰν ἀφίκωνται ’Αθήνας, ἀποδοῦναι εἰκοσιν ἡμερῶν τὸ ἁργύριον ἦμῖν δόκιμον ἔως δ’ ἄν ἀποδώσῃ, κρατεῖν τῶν χρημάτων ἡμᾶς καὶ ἀνέπαφα ταῦτα παρέχειν

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

ο γὰρ ἀν 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 ἑπτανεὶςαντός was as illegal as the borrowing. He may however only mean, that he would have not 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).

α ἡγομ.] An historical clause, for the actual words of the contract, ἡ τ᾽ ἡγάγωσον. 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 πρόθεν or πρότερον (Thuc. i. 41, Ar. Vesp. 1074).


ἔως δ’ ἄν 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
tαῦτα οὔτωσι ἀκριβῶς ἐν τῇ συγγραφῇ οὕτωι δ', ὥ
ἄνδρες δικασταί, ἐνταῦθα καὶ ἐπεδείξαιντο μάλιστα τὴν
उβριν καὶ τὴν ἀναίδειαν τῆν ἐαυτῶν, καὶ ὅταν οὐδὲ μι-
kρὸν προσείχον τοῖς γράμμασι τοῖς γεγραμμένοις ἐν τῇ
συγγραφῇ, ἀλλ' ἤγοντο εἴναι τὴν συγγραφῆς ἄλλως
ὑθλον καὶ φλυαρίαν. οὕτε γὰρ ἀντηγοράσαν οὐδὲν ἐν
τῷ Πόντῳ οὕτε ἀντεφορτίσαντο ἀστε ἄγεν 'Ἀθηναζ'·
ήμενις τε οἱ δανείσαντες τὰ χρήματα ἠκόντων αὐτῶν
tούτων ἐκ τοῦ Πόντου οὐκ εἴχομεν ὅτου ἐπιλαβοῦμεθα
οῦδ' ὅτου κρατοῦμεν, ἐωςν κομισάμεθα τα ἡμέτερα αὐ-
tῶν οὐδ' ὅτι οὐκ ἦμεν οὕτω εἰς ἡγήγαγον εἰς τὸν
λιμένα τὸν 26 ἡμέτερον οὕτοι. ἀλλὰ πεπόθαμεν καινότατον, ὥ ἄν-
dρες δικασταί: ἐν γὰρ τῇ πόλει τῇ ἡμέτερα αὐτῶν,
oὐδὲν ἀδικοῦντες οὐδὲ δίκην οὐδεμιὰν ὄφληκτος τού-
tοις, σεσυλήμεθα τα ἡμέτερα αὐτῶν ὑπὸ τούτων Φαση-
lιτῶν ὀντῶν, ἀσπέρ δεδομένων συλῶν Φασηλίταις

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

ἀλλως θύλων] 'Mere trash and
nonsense.' There was a pro-
verb γραῦν θύλος, 'old wives'
fables,' Plat. Theaet. p. 176b.
For ἄλλως Penrose compares
Eur. Troad, 476, οὐκ ἄριθμον
ἄλλως, ἀλλὰ υπερτάτους φρογῶν.

οὗτοι—ἔως] In direct narra-
tive, οὐκ ἔχουμεν ὅτου κρατῶμεν
ἔως ἀν κομισᾶμεθα. In Latin,
non habebamus quod prædener-
mus donec recepissemus quae
essent nostri. The οὐ would
have been added to ἔως had the
event been still pending; and
even with the optative in past
narrative it is sometimes added,
as explained at length on Aesch.
Pers. 452 (P). Cf. Or. 33 § 8, ἀνὴρ
ποιοῦμαι (i.e. ἐπιοῦμεν) τῆς νεως
καὶ τῶν παιδῶν, ἐως ἀποδοθῇ τὸς
δέκα μνᾶς ἃς ἐς ἐμοῦ 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 v. συλας) cites the sentence
κατ᾽ Αθηναίων. ἐπειδὰν γὰρ μὴ ἐθέλωσιν ἀποδοῦναι ἄ ἱλασθόντι, τί ἂν τις ἄλλο ὄνομ' ἔχοι θέσαει τοὺς τοιούτους ἢ ὅτι ἀφαιροῦνται βία τὰ ἀλλότρια; ἐγὼ μὲν οὖν ἀκήκοα πῶς τοὺα πράγμα μιαρώτερον ἢ ὁ οὕτω διαπεραγμένοι εἰσὶν περὶ ἡμᾶς, καὶ ταῦθ' ὁμολογοῦντες λαβεῖν παρ' ἡμῶν τὰ χρήματα. ὃσα μὲν γὰρ ἀμφισβητήσιμά ἐστι τῶν συμβολαίων, κρίσεως δεῖται, ὃ ἀνδρεὶς δικασταὶ τα δὲ παρ' ἀμφοτέρων ὁμολογηθέντα τῶν συντιθεμένων, καὶ περὶ ὧν συγγραφαὶ κεῖται ναυτικαὶ, τέλος ἔχειν ἄπαντες νομίζουσι, καὶ χρήσθαι προσήκει τοῖς γεγραμμένοις. ὅτι δὲ κατὰ τὴν συγγραφὴν οὖν ὁποῖον πεποιήκασιν, ἀλλ' εὐθὺς ἀπ' ἀρχῆς ἀρξάμενοι ἐκακοτέχνουν καὶ ἐπεβούλευνοι μηδὲν ὑμίας ποιεῖν, ὑπὸ τὸ τῶν μαρτυριῶν καὶ αὐτοὶ ύπ' ἑαυτῶν εἴλεγχοντας οὕτωσε καταφαίωσαν.

"Ὁ δὲ πάντων δεινότατον διεπράξατο Λάκριτος 28 οὕτως, δεὶ ὑμᾶς ἀκοῦσαί οὕτως γὰρ ἢν ὁ πάντα ταῦτα διοικῶν. ἐπειδὴ γὰρ ἀφίκοντο δεύρο, εἰς μὲν τὸ ταὐτόν Ζ."

σεσυλήμεθα—ἀλλότρια, omitting some words, τῶν τῶν and ὄντων, ὥσπερ before δεδομένων and ὑπ' after ἀναφεύγεται (sic). He refers the passage to the De Corona, by an evident mistake. Cf. Lysias κατὰ Νίκομ. Or. 30 § 22, ὁρῶν—Βοώτοις σύλα ποιουμένους.

οὐδ' ἀκήκοα[ i.e. much less have I witnessed.

διαπεραγμένοι] Observe the medial use of the perfect passive corresponding to the aorist διαπράξαντο. Similarly εἰσπέρακται in § 44.

27. ὃσα κ.τ.λ.] 'Those contracts which are disputed.' Kennedy. Rather, perhaps, 'such clauses in contracts as are disputable.'

τέλος ἔχειν] 'To be final,' i.e. κύρια or valid.—χρήσθαι,

'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 defendants showed themselves frequently 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 Lacritus the reason. He replied, that the ship had been wrecked in the home voyage, and all the goods lost that were to have been conveyed to Athens.
28. έξω τών 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, Φωρῶν λιμένα: οἱ φωρῶν λιμήν ἐστιν ἐν μεθορίῳ τῆς Ἀττικῆς, ἐνθα οἱ λυγται κακούργησιν ὀρμήσασθαι. Strabo, p. 395, οἱ Κορυδαλεῖς, ἐδοὺ οἱ φωρῶν λιμήν καὶ ἡ Ψυττάλεια. Leake (Athens II 273) thinks that the words in the text are better suited to the bay of Keratzini than to the more easterly creek of Trapezona, which was perhaps within the outworks of the Peiraeus. S.]

29. δείγματι] A place where samples of goods (δείγματα) were shown. See Boeckh, Publ. Ec. p. 58. Or. 50 (πρὸς Πολυκλάτα), § 24, παραλαβῶν Δευτίρα τὸν κηδεσθήν τὸν ἐμὸν προσέρχεται αὐτῷ ἐν τῷ δείγματι. Αὐ. Ἐπικρ. 979, ἐν τῷ δείγματι τῶν δικών. Hesych. δείγμα τότος ἐν Ἀθηναῖς οὕτως καλούμενος. [Harpocrat. τότος τις ἐν τῷ Ἀθηναίσιν ἐμπροαίρ. Leake's Athens, i 382. S.]

ἐπιμελεῖσθαι] 'To do all in their power.' The ἀν here, differently from the combination ὅπως ἀν with the subjunctive (sup. § 7) belongs to the optative, and the order of the words might have been ὅπως ἀν τάχιστ' ἀπολάβοιμεν. αὐτὰ, perhaps αὐτόλ, i.e. themselves, without being urged.
προσήμεν, καὶ ἃ ἐπεσκοποῦμεν εἰ τι ἐξαίρονται ποθὲν ἐκ τοῦ πλοίου ἡ πεντηκοστεύονται. ἐπειδὴ δ᾽ ἣν ἴμεραι τε ᾨσαν συχναὶ ἐπιθημοῦσι τούτοις, ἡμεῖς τ᾽ οὐδ᾽ ὄτιον ἑυρίσκομεν οὐτ᾽ ἐξηρημένον οὐτε πεπεν-

933 τηκοστευμένον ἐπὶ τῷ ὀνόματι τῷ τούτων, ἐνταῦθ᾽ ἴδῃ μᾶλλον προσεκείμεθα ἀπαιτοῦντες. καὶ ἐπειδὴ ἴμοιχλοῦμεν αὐτοῖς, ἀποκρίνεται Λάκριτος οὗτοὶ ὁ ἀδελφὸς ὁ Ἀρτέμωνος ὅτι οὐκ ἀν οἰοὶ τ᾽ ἔισαν ἀπο-

δοῦναι, ἀλλ᾽ ἀπόλολεῖν ἀπαντά τὰ χρήματα καὶ ἔφη Λάκριτος δίκαιον τι ἔχειν λέγειν περὶ τούτων. καὶ 31 ἡμεῖς, ὃ ἀνδρεὶς δικασταῖ, ἡγανακτοῦμεν μὲν" ἐπὶ τοῖς λεγομένοις, πλέον δ᾽ οὐδὲν ἢν ἀγανακτοῦσιν ἦμιν τοῦτοις γὰρ οὐδ᾽ ὄτιον ἐμελεν. οὐδὲν δ᾽ ἦττον ἠρω-

τόμεν αὐτοῦς ὄντινα τρόπον ἀπολολῶν ἐιν τὰ χρή-

ματα. Λάκριτος δ᾽ οὗτοι νααγήσασκ αἴθη τῶ πλοίων παραπλέον ἐκ Παντικαπαίου εἰς Θεοδοσίαν, νααγή-

σαντος δὲ τοῦ πλοίου ἀπολωλέναι τὰ χρήματα τοῖς

* έκ πλοίου Ζ. τοῦ addidit Wolf.

** om. Z et Bekk. st. cum libris. μὲν cum Reiskio Bekk. 1824.

ἐπεσκοποῦμεν] 'We kept our eyes upon them,'

πεντηκοστεύοντα] '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 (ἀπογραφαί) all imports and exports could be known.

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

— ἵμωξολον, ὁχηροὶ ἐγιγνο-

μεθα, 'when we began to be very pressing.'

ὁ ἀδελφὸς ὁ Λ. ] See sup. § 19.

δίκαιον 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.'


σκευάσας ἐμπόριον Θεοδοσίαν (sc. Καμία) ὁ φαίνει οἱ πλέοντες οὐδ᾽ ὄτιον χετρόν εἶναι τοῦ Βοστόρου (sc. Kertsch) κάνταν αὕτη ἐδώκε τὴν ἀτέλειαν ἦμιν. S.]
Which at that time were on board.

This seems added redundantly, or by a change of syntax from Shilleto (on Thuc. 91, not. crit.) approves of Schaefer's conjecture airayeiv for Shilleto (on Thuc. 91, not. crit.) approves of Schaefer's conjecture airayeiv for. § 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.

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-
ἐξεστηκότος οἶνον, καὶ τὸ τάριχος ἀνθρώπω τωὶ γεωργῷ παρεκομίζετο ἐν τῷ πλοίῳ ἐκ Παντικαπαίου εἰς Θεοδοσίαν, τοῖς ἐργάταις τοὺς περὶ τὴν γεωργίαν χρήσθαι. τὶ ὁνὶν ταῦτας τᾶς προφάσεως λέγουσιν; οὐδὲν 934 γὰρ προσήκει. καὶ μοὶ λαβῆ τὴν μαρτυρίαν, πρῶτον 33 μὲν τὴν Ἀπολλωνίδον ὧτι Ἀντίπατρος ἦν ὁ δανείσας ἐπὶ τῷ πλοίῳ, τοῦτοι δ' οὐδ' ὧτιον προσήκει τῆς ναυαγίας, ἐπείτα τὴν Ἐρασικλέους καὶ τὴν Ἰππίου, ὧτι ὀγδοηκοντα μόνον κεράμια παρίγετο ἐν τῷ πλοίῳ.

ΜΑΡΤΥΡΙΑ.

[Ἀπολλωνίδης Ἀλικαρνασσεῖς μαρτυρεῖ εἰδέναι δανείσαντα Ἀντίπατρον, Κυτιέα τὸ γένος, χρήματα Ἴβλησίω εἰς τὸν Πόντον ἐπὶ τῇ νηώ · ἦν Ἴβλησιος ἐναυκλήρει, καὶ τῷ ναύλῳ τῷ εἰς τὸν Πόντον· κοινωνεῖν δὲ καὶ αὐτὸν τῆς νεώς Ἴβλησίω, καὶ συμπλεῖν ἐαυτοῦ οἰκέτας ἐν τῇ νηώ, καὶ ὅτε διεφθάρη ὡς ναῦς, παρεῖναι τοὺς οἰκέτας τοὺς ἐαυτοῦ καὶ ἀπαγγέλλειν ἐαυτῷ καὶ ὅτι ἡ ναῦς κενή διεφθάρη παραπλέουσα εἰς Θεοδοσίαν ἐκ Παντικαπαίου.

Ἑρασικλῆς μαρτυρεῖ συμπλεῖν Ἴβλησίω κυβερ- 34 νῶν τὴν ναῦν εἰς τὸν Πόντον, καὶ ὅτε παρέπλευ ὡς ναῦς εἰς Θεοδοσίαν ἐκ Παντικαπαίου, εἰδέναι κενὴν τὴν

ἐξεστηκότος] Vapidi, varrae; 'that had turned bad.' Hesych. ἐξεστηκότος οἶνος, ὁ δὲίνης, ι.ε. in which the acetous fermentation had taken place.—στάμνοι, the same as κεράμω, as appears from §§ 33, 34.

χρήσις] 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 αὐτῶν] 'That he was himself part-owner.'

παρεῖναι] '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.'

κενῆ] 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 μνῆ τὴν δίκην is perhaps an interpolation. There
nayn parapleousan, kai 'Apolloedouron auton tou'
fevkontos nun ti'v dikin, mi' einai oinon en to' ploli,
alla parageiteitai ton ek ths Theusodias tini oinon
K'wa keramia peri ogyoikonta.

'Ippias 'Athynipou 'Alkikarvasseis martravei
sumpleiv 'Thorisis diospevou* ti'n nayn, kai ote
paraplei h nais eis Theusodian ek Panteikapaiou, ev-
thesai 'Apolloedouron eis ti'n nai eriou angeion en ti'
dvo kai parichous keramia evdeka ti' dowdeka kai dermap'
angoia, dvo desmas h treis, allo d' oynh.

Proa tois' exevariprhesen Enfilhtos Damotimou
'Aphidnais, 'Ippias Timozenou Thymaitadis, Sosstatos
Filipou 'Istiaiothn, 'Arkhenoidis Stretonos Therai-
935
sios, Filtiadis Ktesikelous Sypetaiow.]

35 'H men anaidia toiauti ton antrwpon ton toton
'estin. umeis oi', o anres dikastai, evthmeis the proa
imais autotes ei' tinas pwtot' iste ti' hkoisate oinon


'Apolloedouron, 'belonging to Apol-
lodorus.' In § 16 it is said that
Artemos was to sail with the
goods. See, however, § 20.
The middle evtheoai may mean
that A. 'had it put on board'
in his absence.

angeion] 'A hamper,' per-
haps. So in Eur. Ion 1412,
the antipos or round casket
(vidnus) is called angevos.

derma, see Or. 34 § 10.

exevariprhesen] § 20.

§§ 35—7. The improbability
of the defendant's statement is
shown by the custom of export-
ing wine to, not importing it
from, the Pontus. Lacritus' ac-
count, that his brother Artemo
had lent a friend of his in Pon-
'Αθήνατε ἐκ τοῦ Πόντου κατ' ἐμπορίαν εἰς ἁγιόντας, ἄλλος τε καὶ Κών. πάν γὰρ δήποτε τοῦναύτιον εἰς τὸν Πόντον ὁ οἶνος εἰςάγεται ἐκ τῶν τόπων τῶν περὶ ἡμᾶς, ἐκ Πεπαρήθου καὶ Κώ καὶ Θάσιος καὶ Μενδαῖος καὶ ἔξ ἄλλον τινῶν πόλεων παντοδαπός· ἐκ δὲ τοῦ Πόντου ἐτερά ἐστιν ἃ εἰςάγεται δεύο. κατεχόμενοι δ' 36 υφ' ἡμῶν καὶ ἐλεγχόμενοι εἰ τι περιγένοιτο τῶν χρημάτων ἐν τῷ Πόντῳ, ἀπεκρίνατο Λάκριτος οὐτοσὶ ὅτι ἐκατὸν στατήρες Κυζικηνοὶ περιγενούντο καὶ τοῦτο τὸ χρυσὸν δεδανείκως εἰς ἀδελφὸς αὐτοῦ· ἐν τῷ Πόντῳ ναυκλήρῳ τινὶ Φασιλίτῃ, τολιτῇ καὶ ἐπιτηδείῳ έαυτοῦ, καὶ οὐ δύνατο κομίσασθαι, ἄλλα σχεδὸν τί ἀπολαβῶς εἰς καὶ τοῦτο. ταῦτ' ἐστιν ἃ ἔλεγε Λάκριτος 37 οὐτοσὶ. ἡ δὲ συγγραφὴ οὐ ταῦτα λέγει, ὁ ἄνδρες

*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.'

 eius τον 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 Pbarethus, 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, οἶνον ἐπὶ πῖνειν ὅν ἐάσω Πράμμων, οὐ Χίων, οὐχὶ Θάσιον, οὐ Πεπαρήθουν. Σ.]

ἐτερά ἐστι] 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.

36. 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 Κυζικηνοί] See note on Or. 34 § 23.

οὐ δύνατο] 'That he was not able to recover it, in fact, that this also might be considered as lost.' Kennedy.
§§ 37—41. 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. [I ask the question], for whatever the bond says on this point is final.' See § 13.

38. 'To bring to bear against, or as tending to cancel, the bond.'

κακοήργοι] 'Rogues as Sophists, and dishonest as men.'

In Or. 19 § 246 (παραπ. p. 417) the Sophists are spoken of with contempt: — λογογράφους καὶ σοφιστὰς ἀποκαλὼν τοὺς ἄλλους καὶ ἱβρίζειν πειράμενοι.

40. τῶν Διὰ τῶν ἀνακτα.] See Argum. ad fin. [ἄναξ is a poetical word and is extremely rare in Greek Prose. Perhaps the only other passage where it occurs is Isoc. ix § 72, where Evagoras King of Cyprus is said to have given the name to the younger princes of the royal family, τῶν ἐξ αὐτοῦ γεγονότων οὐδένα κατέλειπεν ἰδιωτικὸς ὄνομασι προσ- αγορεύμενον, ἀλλὰ τῶν μὲν
taut' esti sophistou kai oimoxomewn. Dakritos d' 41 ointosi, o andreis dikastai, ou to dikaiw pisteewn eis-eeljluve tautn thn dikhn, all' akribos eidois ta peipragmen' eautois perie to daineisma touto, kai hgyou-mevoi deinou estin kai radios logos to perieizhain perie adikon pragmaton, oieis parazexi utma oipoi an vouletai. tauta gar etpaggileleta deinou estin, kai argyriou aitei kai mathetis svlllegi, peri autow tou-

a oidev Z cum S. oidev Bekk.
b oima B. Cf. Veitch, Gk. Vs. s.v.

basilea kaloimemnon, tois de anaktas tas de anassas. 

somewhat similar oath is found in Or. 48 (Olymp.) § 2, ma ton Dia ton megistou. S.]
ti toントων] 'Any matters of that sort,' viz. so little concerning an ejmopros.
katafrovnitas] 'Conceited.' Hesych. katafrovene: ypepsanai. But it may be doubted if allos has not dropped out.
oimoxomewn] 'Who should be made to smart for it.' Kennedy. Or, 'who will come to grief,' as we say. So Ar. Pac. 756 ekat' kefalai kolakos oimoxomewos.

§§ 41, 42. Lacritus 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. eidois ta peipragmena] 'With a full knowledge of (the dishonesty of) the transactions they were engaged in.'

'

tauta gar] '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 (para-presb. p. 356), kai evnwisi de filippov oti etpaggiletei ta diaka poiomen. Here is a distinct charge against the Sophists of teaching adika, dishonesty.

mathetis svlllegei] Apart from his own brothers Artemo and Apollodoros, referred to in the next §, we find one other pupil of Lacritus in Archias of Thurii, o klhthi' phugadosberas, '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 Demosthenes himself. Plutarch, Dem. 28, "Ερμιππος τῶν 'Αρχιάν ἐν τοῖς Λακρίτων τοῦ ῥήτορος μαθήτην 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.

ἀλλο τῇ] See on § 17.

tούτων δ' τι βούλεται κτ.τ.λ.] Or. 43 (Macart.) § 41, τούτων δ' τι βούλεται τις μαρτυρησάτω αὐτῷ, quoted by Blass, Att. Ber. iii 505, who ascribes this speech to the same author as Or. 48. S.]

tῶν συμ. τῶν ἐμ.] 'Who sit to try these cases of mercantile contracts,' A mere synonym of δίκαι ἐμπορικ, 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 συμβόλων, 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?

κατακέχρησαι 'Lavishly uses.' The κατα in this verb, which commonly means abuti, has the same force as in καταχαρίζεσαι, καταπροδοίναι, &c., and means 'to use up,' or, 'use away,' ἀναλίσκεν. But to use in excess is to abuse.

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

45. αὐτῶς] sc. ὡσπερ νῦν ἡμεῖς ἁγανακτοῦμεν.—παρανομεῖσθαι, that he is being dealt with in a manner not contemplated by the laws.

ἐπείτα, 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 *paraγραφή* was by voting, as in an ordinary verdict.

§ 46. *ψηφίσασθαι*] This shows that the granting a *paraγραφή* was by voting, as in an ordinary verdict.

*δικαζόντων ύμων νυνι τᾶς ἐμπορικὰς δίκας*] The courts of Commerce held their sittings during the season of the year in which navigation was suspended. Cf. Or. 33 § 23, αἰ ἐν λήξεις τῶν δικών τοῖς ἐμπόροις ἐμμετροὶ εἱλιστο ἀπὸ τοῦ βοήθωρομαχόνοσ μέχρι τοῦ μοναχώφοιν (i.e. from about September to April), ἡς τὰ παραχρήμα τῶν δικαίων 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 (iii 3), 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. 343—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, ἐμπορικά δίκαι οὐκ ἠγακύνθει νῦν ἀκρίβεις αἰ γαρ μῆνα. (Dem.) Or. 7 § 12. Cf. Introd. p. 52, and note on Or. 37 § 2. S.] *ἰκανὸν εἶναι*] i.e. ἀρκεῖν, ἂλα εἶναι.

*προσοφλόντας*] '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 ύπ' τών δανεισμένων καὶ ἀποστερούντων ἀπάγοντο εἰς τὸ δεσμωτήριον; ταύτ' ἐστιν, ὁ Λάκριτε, ἄ τουτον ὑπείθει; ἀλλὰ ποὺ ξηρὴ λαβεῖν δικήν, ὁ ἄνδρες δικασταὶ, περὶ τῶν ἐμπορικῶν συμβολαίων; παρὰ ποιὰ ἀρχὴ ἢ ἐν τίνι χρόνῳ; παρὰ τοῖς ἐνδεκα; ἀλλὰ τοιχωρίους καὶ κλέπτας καὶ τοὺς ἀλ-λούς κακούργους τοὺς ἐπὶ βανάτῳ οὕτω εἰσάγομεν. ἀλλὰ παρὰ τῷ ἀρχοντὶ; οὐκοῦν ἐπικλήρους καὶ ὅρφα—48 νῦν καὶ τῶν τοκέων τῷ ἁρχοντὶ προστέτακται ἐπιμελεῖσθαι. ἀλλὰ νὴ Δία παρὰ τῷ βασιλεῖ; ἀλλ' οὐκ ἐμέν ἐμνασίαρχοι, οὔδε ἀσεβεῖας οὐδένα γραφόμεθα.

47. ὑπὸ τῶν δαν., κ.τ.λ.] To 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 Thesmothetae 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 ἐμνασίαρχοι δικαί Or. 33 § 23, quoted on § 46. See the commencement of Or. 33, πρὸς 'Ἀπατοῦριον:—τοῖς μὲν ἐμπόροις καὶ τοῖς ναυκλήροις κελεύει ὁ νόμος εἶναι τὰς δίκας πρὸς τῶν θεσμοθετῶς, ἐὰν τι ἄδικῶνται ἐν τῷ ἐμπόρῳ ἡ ἐνθένδε πλέοντες ἡ ἐπέρθεν διέφρο.—τοῖς ἐνδεκα, 'the criminal court,' the 'eleven' having the custody of as well as the jurisdiction of prisoners on capital charges, οἱ ἐπὶ βαλατώ (ὑπαγόμενοι). [K. F. Hermann's Public Antiquities § 139.]

48. τῷ ἁρχοντὶ] 'The Archon,' i.e. the ἐπώνυμοι. See Or. 37 § 33, ὡς εἰς ἐπικλήρους, πρὸς τὸν ἁρχοντα. 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 ὅρφανῶν. Or must we suppose that claims of parents to be maintained by their children (γραβοσκείσθαι) came into the court of the chief archon? [Blass objects to the word τοκεῖ as 'undemosthenic,' Att. Ber. 111 506. S.]

τῷ βασιλεῖ;] 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 ἀσεβείας, any kind of disrespect to the gods or the temples. Cf. Androt. p. 601 (Or. 29 § 27), τῆς ἀσεβείας κατὰ ταύτα ἐστὶν ἀπάγεων, γράφεσθαι, δικαίσθαι πρὸς Εὐμολπίδας, ἀρδ-
early times, he was the Minister of War and even the chief commander, like Callimachus of Aphidnae at Marathon, Herod. vi 109 (to the failure of which Erathmaion speaks). Theod. § 25, to the failure of which Erathmaion speaks. Hence the phrase of the Sophists, whom Plato so often calls ἄνδρες, ‘who got from us money to be used in trade.’

_The article before ἐμπορικά seems at least unnecessary to the sense. Perhaps however we should read ἐμπορικά ἑκάστημα, ‘who got from us money to be used in trade.’_

49. There were two speeches of Hyperides κατ’ Ἀρισταγόρας ἀπροφασίστου, fragments of which are still extant. S.

ὃ ἐκείνοι ἔτοιμοι εἰς τὸ δικαστήριον, ‘om. B, in marg. gr. habent Ff.’ Z.

ἔτοιμοι εἰς ἐποδόμησιν εἰς τὸ δικαστήριον, ‘om. B, in marg. gr. habent Ff.’ Z.

9. The article before ἐμπορικά seems at least unnecessary to the sense. Perhaps however we should read ἐμπορικά ἑκάστημα, ‘who got from us money to be used in trade.’

_The article before ἐμπορικά seems at least unnecessary to the sense. Perhaps however we should read ἐμπορικά ἑκάστημα, ‘who got from us money to be used in trade.’_

50. Of these speeches of Hyperides one was adjudged, with the chief commander, like Callimachus of Aphidnae at Marathon, Herod. vi 109 (to the failure of which Erathmaion speaks). Theod. § 25, to the failure of which Erathmaion speaks. Hence the phrase of the Sophists, whom Plato so often calls ἄνδρες, ‘who got from us money to be used in trade.’

_The article before ἐμπορικά seems at least unnecessary to the sense. Perhaps however we should read ἐμπορικά ἑκάστημα, ‘who got from us money to be used in trade.’_
application for a special plea against me, the law forbidding the lending of money for any other mart than Athens.

to touto meros] 'As far as he was concerned,' i.e. as far as he could imperil me by making me pay the etwbelia (§ 46) and succeeded in quashing my suit by a paragraφh. Cf. Soph. Trach. 1215, ou kaμei toimων meros, '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.]

edw tis, k.t.l.] Cf. Or. 34 §37, and Lycurg. adv. Leocr. § 27, ou yμετερου νόμοι τάς εσχάτας τιμω-

plias ορίζονσιν ἐὰν τις Ἀθηναίων ἄλλοσὲ ποιεῖ σιτιηγησίῃ ἢ ὡς υψάς.


άλλοσε ἡ Ἀθηναίε] This was the worst form of 'protection,' since it tended to make corn a monopoly at Athens.

51. ὃν 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 ekdounai, for προέσθαι or δανείσας, is by no means common, though ekdois seems sometimes so used. (Boeckh, P. E. p. 132.)
The action for contraband trading,—ἐπιμελητάς, sc. λιμένων, or ἐμπορίου, the overseers or harbour-masters. [They were ten in number. See Meier and Schömann, p. 86.] —ἀπογραφή, see Or. 34 § 7.

§§ 52—54. 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.

1 καὶ τέλλα—αὐτῶν. 'Seiunzimus have verba a reliquis cum nobis viderentur non esse legis ipsius.' Z.

m τούτων Bekk. 1824.

n 'corrigi. γεγραμμένον διαρρήδην, quum esset diserte scriptum.' Cobet, Miscellanea Critica p. 86; idem dederat Bekker 1824.

§§ 52—54. 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.
metà toû Φασηλίτου ναυκλήρου καὶ μετὰ τοῦ Χίου
toû δεδανεικότος, καὶ ὀρμίζονται εἰν φωρῶν λιμένι, εἰς
dè τὸ ὑμέτερον έμπόριον οὐχ ὀρμίζονται. καὶ υψηλ, ὃ
ἀνδρες δικασταὶ, τὰ 'Αθηναῖον δανεισθέντα χρήματα
eis tòn Πόντου καὶ πάλιν ἐκ τοῦ Πόντου 'Αθηναῖεis εἰς
Χίου κατηγμένα ἑστὶν ὑπὸ τούτων. ὀπερ οὐν ἐν ἀρχῇ 54
ὑπεθέμην τοῦ λόγου, ὅτι καὶ ὑμεῖς ἀδικεῖσθε οὐδὲν
ήπτον τῶν δόντων ἡμῶν τὰ χρήματα. σκοπεῖτε δ', ὃ
ἀνδρες δικασταὶ, πῶς συναδικεῖσθεν, ἐπειδὰν τις τῶν
νόμων τῶν υμετέρων κρείττων ἐγχειρή εἶναι καὶ τὰς
συγγραφὰς τὰς ναυτικὰς ἀκύρους ποιὴ καὶ καταλύῃ,
καὶ τὰ χρήματα τὰ παρ’ ἡμῶν εἰς Χίον ἡ ἡπατεσταλκως,
pῶς οὐκ ἀδικεῖ ο τοιοῦτος ἀνθρωπος καὶ ὑμᾶς;


53. εἰν φωρῶν λιμένι] See § 28. κατηγμένα] Cf. § 52, καταθη-
ναί. Aeschylus has προσγιμέ-
νην, 'brought up' (beached) by
windlasses or capstans, said of
a ship. Suppl. 411.

54. ὀπερ—σκοπεῖτε δ'] ‘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, ‘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 οὖν. There
seems to be something wrong in
this passage. Either ὅτι should
be omitted, or, if it be retained,
we should read σκοπεῖτε ἐκ
τῶνδε for σκοπεῖτε δ’ ὃ κ.τ.λ.
‘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 πῶς συναδικεῖσθε might
be omitted without detriment
to the sense.

[With the whole passage cf.
Or. 43 § 55 ἀταὶ (the speaker’s
wife and daughter) γὰρ εἰςων αἱ
ἀδικοῦμεναι οὐχ ἦπτον ἔμοι, ἀλλὰ
καὶ μᾶλλον. πῶς γὰρ οἰκ ἀδι-
κοῦται ἡ πῶς αὐ δεινα πᾶσχουν,
ἐπειδᾶν ὧροι...αὐταὶ δὲ...ἐξων ἀπαντα, πῶς οὐκ ἐκεῖαι μᾶλλον
ἐτι ἀδικοῦται ἡ ἐγω; Blass (Att.
Ber. iii 505), who quotes this
parallel, attributes the present
speech to the same author as
Or. 48. S.]

διαπεσταλκῶς] A happy term
for ‘dispatching goods to differ-
ent destinations other than what
the law allows.’ Mr Penrose
fails to see the true force of the
διὰ in composition.
'Εμοί μέν οὖν ἐστίν, ὃ άνδρες δικασταί, πρὸς τούτους ὁ λόγος· τούτοις γὰρ ἔδωκα τὰ χρήματα. τούτοις δ' ἐσται πρὸς τὸν ναύκληρον ἐκεῖνον τὸν Φασηλίτην, τὸν πολιτήν τὸν αὐτών, φ' φασὶ δανείσαι τὰ χρήματα ἀνευ ἡμῶν παρὰ τὴν συνγραφήν' οὐδὲ γὰρ ἡμεῖς ἵσμεν τίνα ἐστὶ τὰ πεπηραγμένα τούτους πρὸς τὸν έαυτῶν πο-56 λίθν, ἀλλ' αὐτοὶ οὔτοι ἱσασιν. ταύτα ἡγοῦμεθα δίκαια εἶναι, καὶ ἡμῶν δεόμεθα, ὃ άνδρες δικασταί, βοηθεῖν ἡμῖν τοῖς ἀδικουμένοις, καὶ κολάζειν τοὺς κακοτεχνοῦν- τας καὶ σοφιζομένους, ὥσπερ οὕτοι σοφίζονται. καὶ ἐὰν ταύτα ποιήτε, ὑμῖν τε αὐτοῖς τὰ συμφέροντα ἐσε-σθε ἐψηφισμένοι, καὶ περιαιρήσεσθε τῶν πονηρῶν ἀνθρώπων τὰς πανοργίας ἀπάσας, ὅς ἐνοι 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 Hyl- 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 fraud in defence of mercantile interests.

ψ' φασὶ δανείσαι] § 36.

ἐσεθε ἐς ψηφισμένοι] The Greeks have no tense corresponding to the Latin future perfect indicative, fuero, &c. They use there-fore ἐσομαι with a past participle, as Aesch. Suppl. 454, λέξοιν, τιν' αὐθῆν τὴν δὲ γρηγορεῖσθ' ἐσεῖ Soph. Ant. 1067, νέκνυν νεκρῶν ἄμοιβὸν ἀντίδοτος 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 αἴρησομαι (like λέξομαι, τιμήσομαι &c.) is here passive = αἰρεθήσομαι. The idiom is here the same as in the more familiar ἀφαιρεθηναί τι.
OR. XXXVII.

ΠΑΡΑΓΡΑΦΗ ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ.

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- schütz, Besitz und Erwerb im Griechischen Alterthume, pp. 98—103. In the time of Strabo (fl. B.C. 24) the silver mines were nearly exhausted: ix 23, p. 399, τὰ δ’ ἄργυρεια τὰ ἐν τῇ 'Αττικῇ κατ’ ἄρχας μὲν ἦν ἀξιόλογα νυν δ’ ἐκλείπει' καὶ δὴ καὶ οἱ ἑργαζόμενοι τῆς μεταλλείας ἀξιόνως ὑπακονόντις τὴν παλαιὰν ἐκβολάδα (unsmelted ores left by the old workers, the Cornish 'attle') καὶ σκωρίαν ('slag') ἀνακατευθεῖται εὐφρακον ἐτὶ ἐξ αὐτῆς ἀτοκαθαρόμενον ἄργυρον, τῶν ἀρ- χαίων ἀπείρως καμιανόντων. 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, M.M. Roux et Serpieri. An interesting account of the origin of the quarrel, with some correspondence thereon, 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 M.M. 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 com-
plex and involved argument allows.

The plea is preferred by one Nicobulus for a παραγγέλματι 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, παραγγέλματι. 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 illegality), 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 παραγραφὴ. 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 distrained only for the value of the mine. See on § 5, and Arg. 50—4. He is said πλημμελεῖν, § 26.
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 δίκαι μεταλλικαί. (§ 35—6.)

Pantaenetus makes an unfair use of the popular dislike of money-lenders. He urges this point in § 52, μυσούσιν 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.

Πανταίνετος παρὰ Τηλεμάχου τινῶς ἐργαστήριον μεταλλικὸν ἐν Μαρωνείᾳ (τόπος δὲ οὕτως τῆς Ἀττικῆς) καὶ μετὰ τοῦ ἐργαστηρίου τριάκοντα τῶν ἀρίθμων οἰκετῶν, δανείζεται παρὰ μὲν Μυησικέλους τάλαντον, παρὰ δὲ Φιλέου καὶ Πλείστορος πέντε καὶ 5 τετταράκοντα μνᾶς. καὶ ἡν ὁνητής ἐγγεγραμμένος ὁ

1. Argument ἐργαστήριον μεταλλικὸν] 'Mining works.' We have ἐργαστήριον συνοφαντόν, 'a gang of informers,' in Or. 39 § 2, and the word properly includes the slaves, though special mention of them follows, as below, τὸ ἐργαστήριον καὶ τὰ ἀνδρόποδα. In § 4 it is ἐργαστηρίον ἐν τοῖς ἔργοις, where Kennedy renders it 'a pit.' [At the present day, Ergasteria is in common use in Attica as an alternative name for the modern mining-village of Larrion. S.]

2. Μαρωνεία] 'The mining district, besides the demi Anaphystus, Bssa, Amphitrope, and Thoricus, contained several places which were not demi, as Laureium, Thrasyllum, 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. ὁνητής] 'The name of Mnesicles was written in the bond as the purchaser (viz. from Telemachus, § 5), and heretained 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 paragraphe as against Pantaenetus.

8. ἀπαίτούμενος] Or. 34, arg. n. 16. On being required to repay the loan to Mnesicles, he has recourse to versa, or borrowing from another party; who, on Mnesicles 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. γραμματεῖον 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. δοσον 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, if χρησταὶ κατηγείγον αὐτὸν ἀπαίτοντες καὶ ἐνεβάσαν), and even seizes from a servant of Pantaenetus some money that was being conveyed for payment of the royalty to the state.
P. 964.] ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ. 95
tάδε γίγνεται. ὁ Εὔεργος ὁ κοινώδος τοῦ δανείσματος, αἰτιώμενος τῶν Πανταίνετον ὡς οὐδὲν τῶν συγκειμένων 25 ἐθέλοντα ποιεῖν, ἐλθόν ἐπὶ τὸ ἐργαστήριον κατείχεν αὐτοῦ, καὶ δὴ ἀργύριον φυλάξας ἐκ τῶν μετάλλων Πανταίνετος κομιζόμενον, ὅπερ ἐμελλεν εἰς τὸ δημόσιον καταβάλλειν, ἀφείλετο τὸν κομίζοντα οἰκήτην βία: παρὸ καὶ διπλῆν εἰς τὸ δημόσιον κατέβαλεν, ὡς ἐφη, 30 τὴν καταβολὴν ὁ Πανταίνετος, τῆς προσηκούσης προ- θεσμίας δι’ Ἐυέργον ἐκπεσῶν. ἐπὶ τούτοις καὶ δίκην ἐλαχεῖ καὶ ὁ Νικόβουλος ἐκ τῆς ἀποδημίας καὶ δα- νεισταὶ πολλοὶ τινες ἀνεφαίοντο τοῦ Πανταίνετον 35 πρότερον ἀγνοούμενοι, λόγων πολλῶν λεγομένων πέρας συνέβησαν ὡστε Νικόβουλον μὲν καὶ Εὔεργον ἀπο- λαμβάνοντας ἐκατόν καὶ πέντε μιᾶς ἀποστήναι τοῦ ἐργαστήριον καὶ τῶν ἀνδραπόδων, ταῦτα δὲ τοὺς ἐτε-

26. κατείχεν] In late Greek, this seems to mean ‘took possession of,’ obünuit, in the sense of ἐκέχεο. 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 (ἐκποιῶν) paying the ‘royalty’ by the proper time, viz. the 9th of the 10 πρωταναία into which the year was divided. Andoc. de Myst. § 73, οἱ μὲν ἀργυρὸν ὁφείλοντες τῷ δημοσίῳ...τούτους ἡ μὲν ἐκκεισθ ἡν ἐπὶ τῆς ἐνάτης πρωταναίας, ἐδὲ μὴ διπλάσιον ὁφείλειν. Cf. Or. 59 § 7, and K. F. Hermann, Privatalterthümer § 71, 12=Rechtsalterthümer ed. Thalheim § 16 p. 108. S.]

33. ἐλαχεῖ] sc. Pantaenetus.—ἐἴλευν, 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 μιᾶς] viz. the full sum they had jointly lent Pantaenetus.—ἀποστήναι, ‘they were to give up possession.’ Cf. Or. 35 § 4.

39. τοὺς ἐτέρους δανείσαντας] 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 ἐτεροί in contrast with ὁ πρότερος δεδανεικῶς ὁ Μυθικῆς, supra l. 14.
40 One of the main issues was whether the lender, Nicobulus, had provided a formal release from his claims. For the bond to be valid, there had to be a clause transferring the responsibility of giving the bond to the borrower, Pantaenetus, which Nicobulus had not done. For the title to be absolute, the property would not have been good if there were any former claims or mortgages. The defendant, Pantaenetus, had pleaded this as one ground for the objection, just as other suits were marked as mining causes.

44. [Argument] 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, o ready gār ἥθελε δέχεσθαι τούτων πρατήρα. 47. [Argument] i.e. in spite of the release having been given. 48. [Argument] Indorsing the action as a 'mining cause'; just as other suits were marked ἐμπορικάι, &c. The defendant pleads this, as one ground for the παραγραφή, that it was improperly so indorsed.

53. [Argument] 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.
Δεδωκότων, ὁ ἄνδρες δικασταὶ, τῶν νόμων παραγράφασθαι περὶ ὧν ἂν τις ἀφεῖς καὶ ἀπαλλάξας δικάζῃται, γεγενημένων ἀμφοτέρων μοι τούτων

a om. Z.  

b τούτων om. Z et Bekk. st.

cism, very common in late Greek, for ὅτι οὐδέ. The use of ἐκείνα following, as a mere demonstrative antecedent (ea quae, &c.), is hardly classical.

p. 966. § 1. As the laws allow a bar to a suit in all matters in which a discharge and acquittance have been given, I have claimed this right against Pantaenetus. I shall show that he gave me such a discharge; and I shall not allow him to argue, that, if he had really done so, I ought to have put in the παραγραφή, but did not.

ἀμφοτέρων] Cf. Or. 36 § 25, καὶ γὰρ ἀφήκε καὶ ἀπῆλλαξεν, and
Πανταίνετον τούτου, παρεγγραψάμην, ὡς ἡκούσαν ἀρτίως, μὴ εἰσαγωγίμον εἶναι τὴν δίκην, οὐκ οἶόμενος δειν ἀφείσθαι τοῦ δικαίου τοῦτον, οὗτ', ἐπειδὰν ἐξελέγξω πρὸς ἀπασί τοῖς ἄλλοις καὶ ἀφείκοτα τοῦτον ἐμαυτὸν καὶ ἀπηλλαγμένου, ἐγγενέσθαι τοῦτῳ μὴ φασκεῖν ἀληθῆ με λέγειν, καὶ ποιεῖσθαι τεκμήριον ὡς, εἰπερ ἐπράξθη τι τοιοῦτον, παρεγγραψάμην ἄν αὐτὸν, ἀλλ' ἐπὶ ταύτης τῆς σκήπτεος εἰσελθὼν ἀμφότερα ύμίν ἐπιδείξας, καὶ ὡς οὐδὲν ἡδίκηκα τοῦτον καὶ ὡς παρὰ

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 ἀπαλλαγὴ πόνων, Aesch. Ag. 1, ἐς τὸ πάν σε τῶν ἀπαλλάξαι πόνων, Eum. 83. The two words are very often combined, as πάντων ἀφείεις τῶν ἐγκλημάτων καὶ ἀπαλλαγεῖς, § 16; ὅν ἄν ἀφη καὶ ἀπαλλάξῃ τις, § 19; ἥνικα ἀφείμην ὑπὸ τοῦτον καὶ ἀπηλλαττόμην, § 17. The two acts are very frequently pleaded as the ground of a paragraphe, e.g. πρὸς Ναυσιμαχον, Or. 38 § 5, ἀκούστε, ὃ ἄνδρα δικαστά, τοῦ πόλον σαφῶς λέγοντος ἐκαστά, ὅν μὴ εἶναι δίκαιον ἐν ἐντιν, ὑμοίως τοῖς ἄλλοις κύριοι, ἀπ ο άν τις ἀφη καὶ ἀπαλλάξῃ, μὴ δικάζεσθαι. [Or. 38, πρὸς Ναυσιμαχον, 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. A. Schaefer, Dem. u. s. Zeit, πρ 2, 210 n. S.]

ὅδ' οἶόμενος] '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 ἀπηλλαγμένον] '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 ἀπασί τοῖς ἄλλοις, but the interpolator was thinking of the formula καὶ ἀφεῖς καὶ ἀπαλλάξας. The passive would require a change of subject from τοῦτον to ἔμε. Nor does it seem likely that the passive could here have been used in the medial sense, which is wholly inappropriate.—ἔγγενέσθαι, ἐξείναι αὐτῷ.

τι τοιοῦτον] viz. τὸ ἀφεῖναι με. ἀλλ'—ἐπιδείξας] To supply as the context rather requires, ὀδιμενος δειν would involve εἰσελθόντα for εἰσελθόν. Hence we should rather understand δύνασαι ἐπιδείξας, or perhaps read ἐπιδείξειν.—ἐπι, 'relying on this plea,' viz. that the action is an illegal one.

ὡς οὐδὲν ἡδίκηκα] This, as often happens in παραγγελαί, constitutes the ordinary defence in εὐθυδίκα, or where there is no bar to the action. He enters the court, he says, to plead a παραγγελα, 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.

\[\text{'as these actions last only for a month.'} \]

[Cf. Or. 35 § 23, ai ἥζεις τῶν δικῶν τοῖς ἐμπόροις ἐμπόρον δὲν ἐπῳ τού βιοηδρομίων μέχρι τού μονοκειομένου, i.e. from September till April. Cf. Or. 35 § 46 n. Boeckh (P. Econ. 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, ἔµινην ἔρα are clearly "monthly offerings.

\[\text{par' αὐτά κ.τ.λ.} \] 'At the very time of the wrongs.' In Or. 32 § 7, for παρὰ τᾶδική-

\[\text{ματα we should perhaps read παρ' αὐτά τᾶδικήματα. For the sentiment compare Thuc. III 38, ἀµινασθαὶ τῷ παθεῖν ὁτι ἐγγυ-

\[\text{τᾶτως κείµενον ἀντίσαλον ὁ μᾶ-

\[\text{λιστα τὴν τιμωρίαν ἀναλαμβάνει (where perhaps ὁ is an inter-

\[\text{polation: the τιμωρία is μᾶλλον ἀντίσαλος when it is recent). So Or. 36 § 53 πλησίον ὄντων τῶν ἀδικημάτων ἐγκαλεῖς.

\[\text{p. 967. ἔπηρμένου} \] 'Elated,' put up to it, 'by having carried to a successful issue the suit against Evergus.' Thucydides generally uses ἔπαιρμον. Or. 32 § 10, we have τῷ παρ' ἔπη-

\[\text{ρμένοις ὦτος κατελήθησε. Eur. Andr. 705, μοχθοσίον ἄλλων καὶ πόνοις ἔπηρμενοι.}

\[\text{παρ' ὑμίν} \] 'In your court.' 7—2
§ 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.

Deimosai k.t.l.] Or. 38 § 2 deimosai de kai dikiai kai metria ymow aptanwv, pwv xwv evvnoikow akousai mou legetous k.t.l.

pollov gar, k.t.l.] Isaeus, the traditional teacher of Demothenes, has a similar sentence in Or. 8 § 5, pollov de dikow ev tis polloi geinoemwv, oidevna anaidesteron touton oide katafanesoteran antipoihsameno fanisontai tov allortwn. Cf. Dem. in Aph. 1 § 7. 8.

fanisasthai] fanisastai oti oideis, k.t.l.—dedikasaumen, in the medial sense, ‘has had tried,’ ‘has brought into court.’ The construction of the sentence is rather artificial. More usual would be oima mgodena an fanisai, but our oima oideva 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.

ergasthriw] This word meant any place where works were carried on (see Arg. 1. 1); but here the erga, or mining operations, are distinguished from the sheds for dressing or the factory for smelting, &c. Probably we should read ergasthriw tis ev tois ergous, the to being both needless and not in accordance with the orator’s usual style.

Maresiea] See note on Arg. 1. 2. tettaракonta k.t.l.] 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 pénτε καὶ tετταράκοντα or tετταράκοντα καὶ pέντε, &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 γίγνεσθαι is used in conformity with the proper sense of τόκος, which gives rise to a joke in Ar. Thesm. 845, ἄδια γοῦν εἰ τόκου τεκοῦσα τοιοῦτον τόκου. Cf. Shakspeare's 'breed of barren metal.' For the genitive see on Or. 34 § 40. The dative also follows the usual construction γίγνεται υἱὸς τιν ἐκ τινών.

λύσις] '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. εἰπὶ Θεοφίλου ἀρχοντος] 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.]

eἰς τῶν Πόντων] For the purpose of trading, as appears from § 10.
102 XXXVII. ΠΑΡΑΓΡΑΦΗ [§§ 6—10

ἐνθάδε ἢν καὶ Εὐεργός. τὰ μὲν δὴ πραχθέντα τούτων πρὸς αὐτοὺς, ἐως ἀπεδῆμουν ἐγώ, οὐκ ἂν ἔχομι εἰπεῖν ὦτε γὰρ ταῦτα λέγουσιν ὦτ' αἰεὶ ταῦτα οὕτως γε, ἀλλὰ τοτὲ μὲν ἐκπεσεῖν ὑπ' ἐκείνου βία παρὰ τὰς συνθήκας ἐκ τῆς μισθώσεως, τοτὲ δ' αὐτὸν αἰτίων ἔαυτ' πρὸς τὸ δημόσιον γενέσθαι τῆς ἐγγραφῆς, τοτὲ δ' ἀλλ' ὁ τι ἣν βούληται. ἐκεῖνος δ' ἀπλῶς ὦτε τοὺς τόκους ἀπολαμβάνων ὦτε τῶν ἄλλων τῶν ἐν ταῖς συνθήκασι ποιοῦντος οὐδὲν τούτου, ἐλθὼν, παρ' ἐκόντος τούτου λαβὼν ἔχειν τὰ ἐαυτοῦ μετὰ δ' ἢ αὐτ' ἀπελθόντα τούτον ἤκειν τοὺς ἀμφισβητήσοντας ἀγοντα, αὐτός δ' οὐχ ὑπεξελθεῖν ἐκείνοις, τούτον δ' οὐχὶ κωλύειν ἔχειν ὃσπερ ἐμισθωσάτο, εἰ ποιοὶ ὑ τα συγκείμενα. τούτων 

§ 6 μὲν δὴ τοιοῦτως ἀκοῦν λόγοις. ἐκεῖνο δ' οἴδ' ὅτι, εἰ μὲν ὦτος ἀληθῆ λέγει καὶ δεινὰ πέπονθεν, ὀσπερ φη-

tà πραχθέντα—πρός] See inf. § 19.

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

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 αἰτίων πρὸς τὶ a common idiom. Perhaps the words are opposed to the ἱδία βλάβη, 'in a public point of view.' We have, however, γράφειν μίσθωσιν πρὸς τῶν, § 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.

ἀπλῶς] 'His simple and consistent story is that,' &c. This is opposed to οὐ ταῦτα 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.
If Evergus was tried for the offence, (though wrongly, as he says,) I ought not to be tried also for the same.

ἐχει δίκην ἃς κ.τ.λ.] Ἰδικούκτι τὸ ἐργαστήριον καὶ τὰν ῥάπατον, καὶ οὕτως ἐγὼ τοῖς μετὰ ταῦτα πρὸς Ἐυέργου τούτῳ πραξεῖσιν οὕτ᾽ ἐπεδήμονον ὅλως, ἐλαχὴ τῇ δίκῃ ἐκείνῳ καὶ οὕτως, ἔγερε τῇ δίκῃ ἐνεκάλες, ἀκουστῇ τῷ μαρτύρων, ὡς ἄνδρες δικασταί. ἐπειδὴ τοὶν ἀφικόμην σχέδον τι πάντ᾽ ἀπολοξεκακὼς ὁσα ἐχὼν ἐξέπλευσα, ἀκούσας καὶ καταλαβὼν τούτῳ μὲν

§ 9. Testimony has been given to the facts (1) that Mnesicles sold us the mine; (2) that Pantaenetus hired it of us; (3) that I was absent when he prosecuted Evergus; (4) that he then laid no charge against me.

ἔσεστα] παρὰ Τηλεμάχου, § 5.

§ 10. On my return, finding Evergus in possession of our joint property, I was annoyed; for either I must take a part in the management with him, or have Evergus my debtor instead of Pantaenetus, and so draw up a new contract with him.

ἀκούσας καὶ κ.τ.λ.] Ἀνάφορα καταλαβὼν τοῦ ἄρχοντος, εὐποίησαι, τὸν δὲ τοῦτον πρὸς τοῦ ἐπεδήμονον ὅλως.
αφεστηκότα, τὸν δ’ Εὔεργον ἔχοντα καὶ κρατοῦντα ὥν ἐωνήμεθα, θαυμαστῶς ὡς ἐλυπήθην, ὅρων το πράγμα μοι περιεστηκός εἰς ἄτοπον. ἦ γὰρ κοινωνεῖν ἔδει τῆς ἐργασίας καὶ τῶν ἐπιμελειῶν τῷ Εὔεργῳ, ἤ χρή-στην ἀντὶ τοῦτο τὸν Εὔεργον ἔχειν, καὶ πρὸς ἑκεῖνον πάλιν μισθοὺς γράφειν καὶ συμβόλαιον ποιεῖσθαι 

11 τοῦτων δ’ οὐδέτερον προηροῦμην. ἀπὸδῶς δ’ ἔχων οἷς λέγῳ τοῦτοι, ἱδὼν τὸν Μνησικλέα τὸν πρατήρα τούτων ἥμιν γεγενημένῳ, προσεθῶν ἐμεμφόμην αὐτῷ, λέγων οἶνον ἀνθρωπον προὐζηνησέ μοι, καὶ τοῖς ἀμφισβητοῦντας καὶ τί ταύτ’ ἐστὶν ἠρώτων. ἀκούσας δ’ ἑκεῖνος τῶν μὲν ἀμφισβητοῦντων κατεγέλα, συνελ-
tασθαι 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, φοίε γὰρ οἷς ἀποδέθαι τὰ πατρώρα ὥν ἐκομίζοντο χρημάτων, οἷς ἀποστῆναι τῶν διδῶν. Or. 21 (Mid.) p. 573 init., ὥς εἰλεύν ἀποστάς, ‘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.

ἐωνήμεθα] ὡς. from Mnesicles, § 5.

περιεστηκός εἰς ἄτοπον] ‘Had come to a pretty pass,’ Kennedy.

ἡ χρήστην] 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 take care we should meet them. As for Pantaenetus, he would also see that justice was done by him.

οἷς λέγῳ τοῦτοι] The dative depends on the sense ‘being displeased by,’ and may therefore be regarded as causal. Cf. Mid. § 108, ἐγὼ γὰρ ἐννοώω χαλεπῶς ἐφ’ οἷς—ὑβρίσθην, ἐτι πολλῷ χαλεπώτερον τοῦτοι τοῖς μετὰ ταῦτα ἐννοῶ, where however ἐπι may be supplied from the first clause. See Shilleto on Thuc. i 77 § 3.

tὸν πρατήρα κ.τ.λ.] See § 5. (The τῶν, of course, belongs to γεγενημένῳ.)

προζείνεσθαι] ‘That he had introduced such a person to me,’ Kennedy. To be προζείνειν 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 αὐκοφαντεῖν τινα, συνεπορεῖν τι, inf. § 49. Euripides has προζείνειν τι, to introduce a subject for an oracular response, Ion 335, Hel. 146. In Or. 53 (πρὸς Νικοστρ.), § 13, προζείνειν τινα is used as above.
theins δ' ἐφη τούτους βούλεσθαι πρὸς ἡμᾶς, καὶ συννα-ξεῖν αὐτῶς ἡμᾶς, καὶ παρανέσειν τούτῳ πάντα ποιεῖν τὰ δίκαια ἔμοι, καὶ οἴσεσθαι πείσειν. ὡς δὲ συνήθομεν, τὰ μὲν πολλὰ τὶ δεί λέγει; ᾧκον δ' οἱ ἐδανεικέναι φάσκοντες τούτῳ ἐπὶ τῷ ἑργαστηρίῳ καὶ τοῖς ἄνδρα-πόδοις, ἃ ἡμεῖς ἐπραμέθα παρὰ Μνησίκλεος, καὶ οὐδὲν ἦν ἄπλοῦν οὐδ' ύγίες τούτων. πάντα δ' ἔξελεγ-χόμενοι ψευδῆ λέγοντες, καὶ τοῦ Μνησίκλεος βεβαι-970 οὐντος ἡμῖν, προκαλοῦντα πρόκλησιν ἡμᾶς ὡς οὐ δε-ξομένους, ἣ κούλισασθαι πάντα τὰ χρήματα παρ' αὐ-τῶνς καὶ ἀπελθεῖν, ἢ διαλύσαι σφᾶς ύπέρ ὧν ἐνεκάλουν, αἰτιώμενοι πολλῷ πλείονος ἀξία ἔχειν ἢν ἐδεδωκείμεν χρημάτων. ἀκούσας δ' ἐγὼ παραχρήμα, οὐδὲ βούλευ-13 σάμενος, κομίσασθαι συνεχόρησα, καὶ τὸν Εὐεργον ἑπείσα. ἐπεὶ δ' ἔδει τὰ χρήματ' ἡμᾶς ἀπολαμβάνειν καὶ τὸ πράγμα εἰς τούτῳ προήκτο, οὐκ ἐφασαν μετὰ

8, διαλύειν μὲν ἡμᾶς 'Οὐήτωρ οὐδ' ἐπεχείρησεν. — ἐδεδωκείμεν, sc. ἐδανεῖσας ἡ Πανταενετοῦ.

§ 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 prosecuted by Pantaenetus.

παραχρήμα 'On the spur of the moment, without even considering the matter.' It is clear that the claiming party, oi ἄμφιαβητούντες, 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 Pantaenetus.
taûta δόσευν οἱ τὸτ’ ἐκεῖνα ἐπαγγελόμενοι, εἰ μὴ πρατηρεὶς γιγνοὶμεθ’ ἢμεῖς τῶν κτημάτων αὐτῶν, νοῦν ἔχοντες, ὥς ἄνδρες Ἀθηναῖοι, κατ’ αὐτό γε τοῦτο ἔφορον γὰρ ἡμᾶς οἰα ἐσυκοφαντοῦμεθ’ ὑπὸ τούτων. ὡς οὖν καὶ ταῦτ’ ἀληθῆ λέγω, λαβὲ μοι καὶ ταῦτας τὰς μαρτυρίας.

ΜΑΡΤΤΡΙΑΙ.

14 'Επειδὴ τοῖνυν τὸ πράγμα ἐνταῦθ’ εἰστήκει, καὶ τὰ μὲν χρήματα οὐ προϊέντο οὖς ἐπήγαγεν οὖτος, ἡμεῖς δ’ εἰκότως ἐφανόμεθα ἢν ἐωνήμεθα κρατεῖν, ἴκετενεν, ἐδείτο, ἡντιβόλει πρατηρίας ἡμᾶς γέμισθαι. ἄξιος ὑπότο δὲ τούτον καὶ πολλὰ δεθέντος ἐμοῦ, καὶ τὶ οὐ

1 ἐπαγγελόμενοι Bekk. 1824. 1 τοῦτον Bekk. 1824.

οἱ τότε κ.π.λ.] sc. οἱ ἀμφισβητοῦντες, § 7.

κατ’ αὐτὸ γε τοῦτο] '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 ημεῖς 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 demanded that the mine shall be sold to them if they advance the money due. Perhaps we should read ὑπὸ τούτου, for Mnesicles can hardly be included. Kennedy seems to have been nearly right in translating 'for they saw the pettifoggng tricks which this man was playing up.' Sup. § 8. Evergus is said σευκοφαντήσθαι.

§§ 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 δεθέντω τοσ. It seems clear from all this that the οἱ ἀμφισβητοῦντες 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.

προσκεκρούκατα] 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.—ηζίουν—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
XXXVII. ΠΑΡΑΓΡΑΦΗ §§ 16—19

17 Τὰ μὲν δὴ γεγενημένα, καὶ περὶ ὧν οὐσετε τὴν ψῆφον, καὶ δὲ ἐὰν τὴν δίκην συκοφαντούμενος παρεγραψάμην μὴ εἰσαγώγιμον εἶναι, ταῦτ' ἐστιν, ὡς ἄνδρες δικασταί. παρασχόμενος δὲ μάρτυρας, οἱ παρῆσαν ἴνικα ἀφιέμην ὑπὸ τοῦτο καὶ ἀπηλλαττόμην, ὡς οὐκ εἰσαγώγιμος ἐκ τῶν νόμων ἐστίν ἡ δίκη, μετὰ ταῦτ' ἐπιδείξω. καὶ μοι λέγε ταῦτην τὴν μαρτυρίαν.

ΜΑΡΤΤΡΙΑ.

Λέγει δὴ μοι καὶ τὴν τῶν ἐωνημένων μαρτυρίαν, ἵν' εἰδὴθ' ὦτ τοῦτο κελεύουσος αὐτὰ ἀπεδόμην οἷς οὗτος ἐκέλευσεν.

ΜΑΡΤΤΡΙΑ.

18 Οὐ τοίνυν μόνον ἴμων εἰσὶν οὕτωι μάρτυρες ὡς ἀφείμεθα καὶ νῦν συκοφαντούμεθα, ἀλλὰ καὶ Πανταῖ—

from all claims,7 was one ground of the παραγραφή (§ 1), and it is here mentioned as such.  

οὐδ' ἐν εἴ τι γένοιτο 'I never imagined that, happen what might, he would bring an action against me' (Kennedy). The negative, οὐκ ψήθην, is separated from the verb by the strengthening clause or condition. So Eur. Hipp. 654, πῶς ἀν οὐν εἰσὶν κακὸς, ὡς οὐδ' ἀκοῦσας τοιάδ' ἀγρευέων δοκῶ; The ἀν, of course, belongs to λαχείν, but it is attracted, as usual, to the negative. See Shilleto on Thuc. 1 76 § 4, who remarks, "the desire of the Greeks to show as early as possible that a sentence is intended to be contingent in-

7 Bekk. ψήθην ἀν Σ cum Σr.  
8 οὐδ' Bekk. 1824.  

duces them not only to construct such sentences as οὐκ ἀν οἴμαι (δοκεῖ) εἶναι, οὐκ ἀν ἐφασαν, but even to place this anticipative ἀν in a wrong clause," The Greeks greatly prefer οὐκ ἂν γένοιτο τοῦτο ἢ οὐ γένοιτ' ἂν τοῦτο, &c.

17. οἷς οὗτος ἐκέλευσεν] viz. in § 14.  
18. The plaintiff himself, by omitting my name in his action against Evergus, is a witness 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 αὐτὸς. ὅτε γὰρ λαγχάνων Ἠὔρημω τὴν δίκην εἴασεν ἐμὲ, τὸτ' ἐμαρτύρει οὗτος πρὸς ἐμὲ αὐτῷ μηδὲν ἐγκλημα ὑπόλοιπον εἶναι: οὐ γὰρ ἂν δὴπον τῶν αὐτῶν ἀδικημάτων παροντῶν ἀμφὸτερ ὡμοίως ἐγκαλῶν τὸν μὲν εἶασε, τῷ δ' ἐδικαζετο. ἀλλὰ μὴν ὅτι γ' οὐκ ἐῶσιν οἱ νόμοι περὶ τῶν οὕτω πραξθέντων πάλιν λαγχ-972 χάνειν, οἷμας 'μὲν ὑμᾶς καὶ μηδὲν εἰπόντος ἐμοῦ γι-γνῶσκειν ὅμως δὲ λέγε αὐτοῖς καὶ τὸν νόμον τούτον. 

ΝΟΜΟΣ.

'Ακούετε, ὃ ἀνδρες 'Αθηναῖοι, καὶ τοῦ νόμου λέ- 19 γοντος ἀντικροὺς, ὃν ἂν ἁφῆ καὶ ἀπαλλάξη τις, μηκέτι τὰς δίκας εἶναι. καὶ μὴν ὅτι γ' ἀμφότερ ἐστὶ πεπρα-

αμφοῖν δ' Ζ cum Σ.

οἳ ἄρα δι κ.τ.λ. ὅταν ὁ ίδιος ὁνόματι ὠοὐχὶ ὁ οὕτως ἢ τῶν οὐτω πραξθέντων] When a legal discharge and acquittance has been given.

'Αλλὰ μὴν—τοῦτον] Or. 38 § 4 δότι δ' οὐκ ἔσων οἱ νόμοι περὶ τῶν οὕτω πραξθέντων αὖθις δικάζεσθαι, νομίζω μὲν ἀπαντάς υἱᾶς εἰδέναι, κἂν μηδὲν εἴπω περὶ αὐτῶν ἐγώ, βούλομαι δ' ὅμως καὶ τῶν νόμων ὑμῖν αὐτὸν ἀναγνώσαι.

καὶ μηδὲν εἰπόντος] i.e. κἂν ἐγώ μηδὲν εἴπω.

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.)


ἀντικροὺς] For διαρρήδην, ἀ-πλῶς, in a plain and straightforward way.

ἀμφότερα] Though a distinction here seems made between ἁφεῖναι and ἀπαλλάξαι, 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.]
γεμένα ταῦτα τοῦτω πρὸς ἡμᾶς, ἥκουσατε τῶν μαρτυρον. ἀπάντων μὲν τοῖνυν τῶν ἐν τοῖς νόμοις ἀπειρημένων οὐ προσήκει δικαίεςθαι, ἥκισταν δὲ τούτων. ἀ μὲν γὰρ τὸ δημόσιον πέπρακεν, ἐχοι τις ἄν εἰπεῖν ὡς 20 ἄδικως ἦν οὐ προσήκωντα πέπρακεν, καὶ περὶ ὧν ἔγνω τὸ δικαστήριον, ἐστιν εἰπεῖν ὡς ἐξαιτηθέν τοῦτ' ἐποιήσε, καὶ περὶ τῶν ἄλλων τῶν ἐν τῷ νόμῳ καθ' ἐκάστου γένος ἃν τις εἰκότως λόγος. ὁ δ' αὐτὸς ἐπείσθη καὶ ἀφῆκεν, οὐκ ἐνι δῆποθεν εἰπεῖν οὖν αὐτὸν αἰτιάσασθαι ὡς οὐ δικαίως ταὐτʾ ἐποίησεν. οἱ μὲν οὖν παρὰ τι τῶν ἄλλων τούτων δικαζόμενοι τοῖς ὑψ' ἐτερων δικαίως ὀρισμένοι οὐκ ἔμενουσιν, ὁ δ' οὖν ἄν ἀφῆ πάλιν λαγχάνων τοῖς ὑψ' ἐαυτοῦ. διὸ πάντων μᾶλιστ' ἄξιον τούτοις χαλεπαίνειν.

u οὐξ ἥκιστα Bekk. 1824.
v Z et Dindf. cum Σ (Cf. Or. 24 § 54 τὸ δημόσιον ἀπέδοτο).
πέπρακεν Bekk.
w om. Z cum Σ.

τοῦτω 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 πιπράκω, 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.

αὐτὸς] i.e. τις in ἐχοι τις ἄν εἰπεῖν.—οὐκ ἐνι, οὐκ ἔνεστιν ἐν τῷ πράγματι, 'the very nature of the case does not allow him to charge himself with injustice.' For this would be έκώντα δικείσθαι, 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.'—παρὰ 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 ὑψ' ἐαυτοῦ] sc. ὄρισμένοι οὐκ ἔμενεν, 'He who brings an action again for claims of which he has given a discharge, fails to abide by his own act.'
Οὐκοῦν ὡς μὲν ἀφήκε με πάντων, ὅτε ἐγυγρώμην τὸν ἀνδραπόδων πρατήρ, ἐπέδειξα· ὅτι δ' οὖκ ἐσσιν οἱ νόμοι τούτων εἶναι δίκαι, ἀκηκόατε ἀρτίως ἀναγιγνωσκομένου τοῦ νόμου. Ἰνα δ', ὃ ἀνδρες Ἀθηναῖοι, μή τις οὐχιτα τοῖς περὶ τῶν πραγμάτων αὐτῶν δικαίως ἀλλοκόμενον με ἐπὶ τοῦτο ἀποχωρεῖν, καὶ καθ' ἐκαστὸν ὅν ἐγκαλεῖ βούλομαι δεῖξαι αὐτὸν ψευδόμενον. λέγε δ' αὐτὸ τὸ ἐγκλημα, ὃ μοι δικίζεται.

973

ΕΓΚΛΗΜΑ.

"Εβλαψε με Νικόβουλος ἐπιβουλεύσας ἐμοί καὶ τῇ οὐσίᾳ τῇ ἐμῇ, ἀφελέσθαι κελεύσας 'Αντιγένη" τὸν ἑαυτὸν οἰκέτην τὸ ἀργύριον τοῦ ἐμοῦ οἰκέτου, ὃ ἔσφερε καταβολὴν τῇ πόλει τοῦ μεταλλοῦ, ὃ ἐγὼ ἐπριάμην ἑνενίκοντα μνών, καὶ αὐτίος ἐμοὶ γενόμενος ἐγγραφῆναι τὸ διπλοῦν τῷ δημοσίῳ.

Ἐπίσχες. ταυτὶ πάντα, ὃ νῦν ἐγκέκληκεν ἐμοὶ, 23 ἢ "Αντιγένη Ζ.

21. Ἰνα 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. Theae. p. 179 b, ἐκείνη μοι δοκεῖ, ὃ Σώκρατες, μάλιστα ἀλλοκομεῖν ο λόγος, ἀλλοκόμενος καὶ ταὐτή.

22. ὃ ἐγὼ] 'which I the plaintiff had bought for ninety minae.' Kennedy thinks that this sum was due to the state from Telemachus, the original purchaser 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 payment of a sum of money once for all, as purchase or entrance money." On τὸ διπλοῦν, see Andocides quoted in the note on 1. 30 of the ὑπόθεσις. Or. 21 § 43 διπλοῦν τὸ βλάβος ἐκτίνευν, and διπλά τὰ ἀμάρτια Aesch. Ag. 520 (P.). Boeckh, πιθανόν p. 338 = 449 trans. Lamb.

§ 23. The very same charges he before brought against Evertus, 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 ἀλλήλοις] viz. Pantaeonetus 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.'

ἲδεν] The first person of the latter Attic. The older Greeks appear to have declined it ἴδῃ, ἴδῃσθα, ἴδεν. See Cobet, Nov. Lect. p. 214. Phocius: ἴδῃ (ἵδῃ) 'ἀντὶ τοῦ ἰδεὼν. The context seems to show that ἶδεν is the first person in Ar. Vesp. 635. Cf. Or. 34 § 38, παρηκτ. n.

§ 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.

ἀγιμῶσαι] viz. by making him a debtor to the treasury, § 6. Besides ἀγιμῶ, 'to make ἀγιμός,' formed from the adjective, like the Platonic ἀνομωοῦσαι, there is ἀγιμᾶ, and the anomalous epic form ἀγιμᾶς, used by Soph. Aj. 1129, as ἀγιαί̄ in the sense of ἀγιαί̄ς is used by Theognis and Aeschylus (Eum. 540).

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

индив' ἄν] 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.'
νεκ ἔχων, οἵμαι, κατ’ ὦδὲν διὰ τὴν ἀποδημίαν εἰς ἐμὲ τούτων ἀνενεγκεῖν τι, συνοφαντεῖν δὲ βουλόμενος, ὡς προσέταξα ἐνέγραψεν’ οὔδὲ γὰρ λόγος ἦν, εἰ μὴ τοῦτ’ ἐποίησεν. λέγε τάκολοθον.

ΕΓΚΛΗΜΑ.

[Kai ἐπειδὴ ὄφλον ἔγω τῷ δημοσίῳ, καταστήσας 25 Ἀντιγένην9 τὸν ἂντοῦ οἰκέτην εἰς τὸ ἐργαστήριον τὸ ἐμὸν τὸ ἐπὶ Ὀρασῦλλῳ9 κύριον τῶν ἐμῶν, ἀπαγορεύουν- τος ἐμοῦ.]

974 Ἔπισχες. πάλιν ταντι πάντα ὑπ’ αὐτοῦ τοῦ πράγματος ἐξελεγχθῆσεται ψευδόμενος, γέγραφε γὰρ καταστήσαι μὲν ἐμὲ, ἀπαγορεύειν δὲ αὐτῶν6. ταῦτα δ’ οὐχ οἴον τῷ τὸν μὴ παρόντα. οὔτε γὰρ καθίστην ἐγώ ὦ γε ὦν ἐν τῷ Πόντῳ, οὔτ’ ἀπηγόρευεν οὔτος τῷ μὴ παρόντι. πῶς γάρ; πῶς οὖν εἰς ἀνάγκην ἠλθε ταῦθ’ 26 οὔτω γράψας; ὁ Ἐυεργός τότ’ οἴμαι, πλημμελῶν ὄν δέδωκε9 δίκην, συνήθως ἔχων ἐμοὶ καὶ γρώφιμος ὄν κατέστησε τὸν οἰκέτην οὐκοθεν λαβὼν παρ’ ἐμοῦ φυ-

9 Ἀντιγένη Z.
6 αὐτῶν Z.
9 Ἐρασύλλον Beckh. 1824.
9 δέδωκε Z εὑμ Σ.

eis ἐμὲ] Emphatic.
oὐδὲ λόγος] ‘Not the shadow of a case.’ Kennedy.

κύριον] ‘To take possession of my (the plaintiff’s) effects.’
ἐμὲ] The subject; ‘That I set him there, and he protested against it.’

tὸν μὴ παρόντα] See on 34, 26, and inf. 28.
26. πλημμελῶν—δίκην] ‘When he was committing those trespasses 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.
lampein ως αυτων. ei μεν ουν ἐγγαγε τάληθες, γέλως ἀν ἦν τι γαρ, εἰ κατεστησεν Εὐεργος, ἐγώ σε αδικῶ; φέυγων δὲ τούτῳ τοιαύτῃ ἡνάγκασται γράφειν, ὡν ἐν πρὸς ἐμε αὐτῷ τὸ ἐγκλημα. λέγε τα ἐφεξῆς.

ΕΓΚΛΗΜΑ.

[Kάπειτα πείσας τοὺς οἰκέτας τοὺς ἐμοὺς καθίζε-σθαι εἰς τὸν κεγχρεῶνα ἐπὶ βλάβη τῇ ἐμῇ.]  
27 Τοῦτον παντελῶς ἦδη καὶ ἀναίδες ἐστίν' οὐ γαρ ἐπίσχεσ. τοῦτο Βεκκ. 1824.

at his own works to keep guard. Kennedy.

τρὸς ἐμε] That he may so frame the indictment as to render me responsible.

eis τῶν 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, ἄργυριον ψα-
kὰς in Ar. Pac. 121. In Eur. Phoen. 1316, ἀσπίδος κεγχρό-
ματα seem to be small round eye-holes in the margin of a shield, so-called from their supposed resemblance to millet-seed. Photius: κεγχρεῶν, τό-
pος Ἀθηναίων (he means ‘in Attica’), ἐν ψ ό ἄργυριται ἐκα-
thaiρετο κέγχρος (f. ὡς κέγχροσ). καὶ ἀπὸ τῶν ἄργυριων ἀναφε-
ρομένη ἄμμος. Ibid. Κεγχρεῶν. Δημοσθένης ἐν τῇ πρὸς Παντα-
νετον γραφῇ, Κάπειτα ἐπείκε (sic) τοὺς οἰκέτας τοὺς ἐμοὺς καθέξεσθαι εἰς τὸν κεγχρεῶνα. Ηαρχος. τὸ καθαριστήριον ὅπων τὴν ἐκ τῶν μετάλλων κέγχρον διέψυχον. Bockh, 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 spuma argenti or lithargyrus and compares the χαλκοῦ ἄν-
θος (an efflorescence formed on copper when fused after the smelting) described by Diosco-
rides as κεγχροειδές τῷ ὀυθμῷ. 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 some-
thing like it in what is known as “frosted silver.”

§ 27. The notion of my per-
suading (or bribing) the plain-
tiff’s servants is absurd.
μόνον ἐκ τοῦ προκαλείσθαι τούτων παραδοῦναι, τοῦτον δὲ μὴ ἔθελεν, ἀλλὰ καὶ ἐκ πάντων δῆλον ἐστὶ ψεύδος ὅν. τίνος γὰρ ἐνεκ' ἐπείθου; ἵνα νὰ Δ' αὐτοῦς κτήσωμαι. ἀλλ' αἱρέσεως μοι δοθεῖσθαι ἢ ἔχειν ἢ κομίσασθαι τὰ ἐμαντοῦ, εἰλόμην κομίσασθαι, καὶ τἀῦτα μεμαρτύρηται. λέγε ὑπὲρ τῆν πρόκλησιν ὁμοι

ΠΡΟΚΛΗΣΙΣ.

Ταύτην τοῖνυν οὐχὶ δεξάμενος τὴν πρόκλησιν, 28 ἀλλὰ φυγὼν, σκέψασθε οἶνον εὐθέως μετὰ τοῦτ' ἐγκαλεῖ. λέγε τὸ ἐχόμενον.

ΕΓΚΛΗΜΑ.

[Kαὶ κατεργασάμενος τὴν ἁργυρίτιν, ἢν οἱ ἐμοὶ οἰκέται εἰργάσαντο, καὶ ἔχων τὸ ἁργύριον τὸν ἐκ ταῦτης τῆς ἁργυρίτιδος.]

975 Πάλων ταῦτα πῶς ἐνεστ' ἐμοὶ πεπράχθαι τῷ μὴ

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 Pantaenetus' 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.


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 ἁργυρίτις with ἁργυρίτης when he explains the latter by ἡ 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.

πάλων] '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 ὅνευργου κατεδικάσω; λέγε δ’ αὐτὸ τὸ ἐγκλῆμα ἔξης.

ΕΓΚΛΗΜΑ.

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

Ἐπίσχες. τουτί πολὺ πάνθ’ ὑπερβέβληκε τάλλα. πρὸτον μὲν γὰρ παρὰ τὰς συνθήκας φησίν, ἃς ἔθετο πρὸς ἐμὲ. αὐταὶ δ’ εἰσὶ τίνες; ἐμισθώσαμεν τῶν τόκων τῶν γυνομένων τοῦτο τὰ ἡμέτερα ἡμεῖς, καὶ ἄλλο οὐδέν πρατήρ μὲν γὰρ ὁ Μνησικλῆς ἡμῶν ἐγεγόνει τούτον παρόντος καὶ κελεύοντος. μετὰ ταῦτα δὲ τὸν αὐτὸν τρόπον ἡμεῖς ἐτέροις ἀπεδόμεθα, ἐφ’ οἴσπερ αὐτοὶ ἐπριάμεθα, οὐ μόνον κελεύοντος ξτί τοῦτον, ἄλλα καὶ ἱκετεύοντος οὐδεὶς γὰρ ἴθελε δέχεσθαι τούτον πρατήρα. τί οὖν αἱ τῆς μισθώσεως

1 om. Z et Bekk. st.

k μὲ Ζ cum Σ.

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’ οἴσπερ] ‘On the same terms and conditions on which we had bought it.’ But these terms are nowhere specified.—καὶ ἱκετεύοντος, see § 14.


τί οὖν κ.τ.λ.] ‘What then has the agreement of lease to do with the question?’ Kennedy.—ἐνέγραψα, ec. τῷ ἐγκλήματι.
π. 976] ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ. 117

ἐνταύθα συνεδήκαι; τί τούτο, ὥ φανλότατ’ ἀνθρώπων, ἐνέγραψας; ἀλλὰ μὴν ὅτι σοῦ κελεύοντος καὶ ἐφ’ οἴσ-περ ἑωνήμεθα αὐτόι πάλιν ἀπεδόμεθα, λέγε τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Μαρτυρεῖς τοῖνν καὶ σὺ· ἀ γὰρ ἡμεῖς πέντε καὶ 31 ἐκατὸν μνῶν ἑωνήμεθα, ταῦθ’ ὦστερον τριῶν ταλάν-των καὶ δισχιλίων καὶ ἐξακοσίων ἀπέδουν σὺ· καὶ τοὺς τίς ἂν καθάπαξ πρατήρα σ’ ἔχων σοὶ δραχμὴν ἐδωκε μίαν; ἀλλὰ μὴν ὅτι ταὐτ’ ἀληθῆ λέγω, κάλει μοι τοῦ-των τοὺς μάρτυρας.

ΜΑΡΤΥΡΕΣ.

’Ἐχων μὲν τοῖνν ἢν ἐπείσθη τῶν αὐτοῦ τιμῆν, 32 δειθεὶς δ’ ἐμοῦ τότε γενέσθαι πρατήρα καθ’ ὦ συνέ-976 βαλον ἀργύριον, αὐτὸς δυοὶν ταλάντων προσδικάζε-ται. καὶ τὰ λοιπὰ τῶν ἐγκλημάτων ἐτ’ ἐστὶ δεινότερα. λέγε δὴ μοι τὸ λοιπὸν τοῦ ἐγκληματος.

31. πέντε καὶ ἐκατον μνῶν] § 4. They had bought the mine for the sum they had lent the defendant. Here the defendant is said to have sold it again for more. The mine had been conveyed at his request to other parties (§ 14), but it is evident that Pantaenetus himself really had an interest in it, and that they were only what is called “cats’-paws,” or nominal purchasers. (Beeckh, P. E. p. 671, thinks this was a legal, or not unusual, transaction.) The price he got, 206 minae, was as nearly as possible double what Nicobulus and Evergus had bought it for. It was therefore rightly called πολλῷ πλείων ἡξια in § 12.

καθάπαξ] ‘For the sale once for all,’ ‘for the complete conveyance.’ So ἄτιμος ἐσται κα-

θάπαξ, ‘once for all,’ ‘for the single offence,’ Mid. p. 524, § 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 σ’ ἐχων.

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

καθ’ ὦ συνέβαλον] ‘For the sum which I had lent.’ Kennedy. Lit. ‘according to the amount (45 minae) that I had advanced.’—δύοιν 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, ἀρχὴν ἀρχὴν τῶν ἀρχηγῶν. See also § 53, ἀρχὴν ἀρχὴν τῶν ἀρχηγῶν. At this point of the speech a distinct ground for allowing the παραγραφή is discussed, viz. the mixed nature of the complaint.

αἰκίαι καὶ ὑβρῖς] Cf. Or. 54 § 1, δίκη αἰκίας...ὑβρίς γραφαί. The difference seems to consist in the latter meaning an outrage of any kind against goods or person (Mid. p. 528), the former being assault with battery, or intent to commit personal injury. For αἰκία 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 'louderness,' e.g. Aesch. Suppl. 80, 102, but it is applied indefinitely to any brutal outrage. The allusion here is to the charge mentionedinfra. § 45.

ὑπέρ] 'For the recovery of the same penalties.'

τοὺς τεταράκοντα] The Forty are not often mentioned. Pho-
Λαγχάνειν, περὶ ὧν οὐκ εἰσὶν εἰσαγωγεῖς. λέγε δὲ αὐτοῖς τοιοῦ τὸν νόμον.

ΝΟΜΟΣ.

Τούτῳ τοῖνυν ἐμοὶ παραγεγραμμένου πρὸς τῇ άλλῃ παραγραφῇ, καὶ οὐκ ὄντων εἰσαγωγέων τῶν θεσμοθετῶν ύπὲρ ὧν λαγχάνει Πανταϊνετος, ἐξαλήμπται καὶ οὐ πρόσεστι τῇ παραγραφῇ. τὸ δ᾽ ὅπως ὑμεῖς σκοπεῖτε· ἐμοὶ μὲν γὰρ, ἐως ἵνα ἢ χω τὸν νόμον αὐτῶν δεικνύναι, οὔτ' ὀτιοῦν διαφέρει· οὐ γὰρ τὸ γνωσκεῖν καὶ συνιέναι τὰ δίκαια ὑμῶν ἐξαλείψαι δυνηστεία.

Ἀλβὲ δὴ καὶ τὸν μεταλλικὸν νόμον· καὶ γὰρ ἐκ τούτου δείξεων οἶμαι ὅτι οὐκ οὖσαν εἰσαγώγημον τὴν δίκην, χάριτος τε ὧν μᾶλλον ἄξιος ἢ τοῦ συκοφαντείσθαι. λέγε.

ΝΟΜΟΣ.

Οὕτος σαφῶς ο νόμος διήρηκεν ὥν εἶναι δίκαις 35 προσήκει μεταλλικάς. οὐκοῦν ὃ μὲν νόμος, ἕαν τις

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

§ 34. The plaintiff has contrived 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 ἀλλῇ] viz. ὥν ἂν ἀφῇ τις, &c., 19.

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

τὸ δ᾽ ὅπως] He seems to intimate that bribery or collusion of some kind had been employed.

ἐξαλείψαι] Timocr. p. 712, ἀπὸ τὰ πάντα Τιμοκράτης ἡφάνειν ἐξήλεψεν. Tac. Agric. 2, 'scilicet illo igne vocem populi Romani et libertatem senatus et conscientiam generis humani aboleri arbitrabantur.'

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

35. ἐξειλήρ] See Or. 39 § 15. —οὐχ ὀποίος, 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.

ἀν τύφη 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 καπνῷ τύφων ἀπασιν τὴν πόλιν καὶ πυρπόλων, 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 θυρωματα καὶ ἐξαίρετα ἡ ἄργυρα τὰ ἀργυρεῖα, which may refer to doors such as might be blocked or fastened up in the mines. Boeckh, who has another reading before him (ἐὰν ψάψῃ 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 ψάψῃ seems due to a conjectural correction of the false reading ψῆ 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.]

ἐπικατατέμνειν, like ἐπινέμε-
without much doubt refers to encroaching on the ore-ground or 'sett' of another, μέτρων. A similar word is ἐπικαταλλαγὰ in Theophrast. Char. 30, αἰσχροκερδεῖας. Xenophon (de Vectig. § 27) contrasts τὰ κατατεμιμέμα with άτμητα μέταλλα. [Hyperid. Euxenip. col. 44, 17, φήμας Λυσάνδρον τὸ Ἐπικατάτων μέταλλον τοῦ Παλ- ληνὲω ἐντὸς τῶν μέτρων τειμη- μένων...οἱ δικασταὶ...ἐγγυῄσθαν ἵνα 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. ἐκρεμόν δὲ καὶ Δίφλον ἐκ τῶν ἀργυρῶν μετάλλων τοὺς μεσοκρενέας (sc. κίονας, the supporting pillars which also served as boundaries) οἱ ἐξάτασι- θον τὰ υπερκελεμένα βάρη υφελόντα καὶ ξὲ αὐτῶν τεπλουτηκότα παρὰ τῶν νόμων καὶ βανατοῦ δυντος ἐπετιμίου ἀλώνια ἐποίησε. In the local customs of Derbyshire various fines are imposed for working out of limits, unlawful 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 προειτοτο σοι 'Which they had lent you on the risk of getting it back.' See § 14, and also 22.

πρὸς ἀπαντας] For all men wish κομίζεσθαι 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?'
38. sυντρήσασιν] Properly, συντρέπανεν is to make a hole into another hole, i.e. to make two holes meet. So in Aesch. Cho. 451, δι' ωτων δε συντρέπανε μοδόν may refer to words entering the double aperture of both ears; and thus the emendation δι' ωτων δ' εσωτέρανε, however probable, can hardly be regarded as necessary, See also Herod. ii. 11, σχεδον ἀλλήλοις συντρέπαντας τούς μυχούς, used of two arms of the Red Sea that converge and join in one.

39. 'Ως μὲν οὖν οὖτ' ἡδίκημα τοῦτον οὕδεν οὖτ' εἰσαγόμενος ἐκ τῶν νόμων ἐστίν ἡ δίκη, ταύτ' ἄν τις σκοπῶν ῥαδίως γνοίη. οὐδὲν τούτων δίκαιον ἔχων οὐδὲ καθ' ἐν λέγειν ὑπὲρ δὴν ἐγκαλεῖ, ἀλλὰ καὶ γρεῦνη 978 γεγραφῶς εἰς τὸ ἐγκλημα καὶ περὶ δὴν ἀφίκε δικαζόμενος, τοῦ ἐξελθόντος μηνός, δὲ άνδρες Αθηναίοι, ἐπειδή ἐμελλὼν εἰσίνει τὴν δίκην, ἦδη τῶν δικαστηρίων ἐπικεκληρωμένων, προσελθὼν καὶ περιστήσας τούς

\[\text{\tiny \(\text{§\textsuperscript{38—40}}\)}\]

38. ράν μη κοµίζηται; ἀν ὅλως\textsuperscript{t} ἄλλο τι; ἐγὼ μὲν οὐκ οἴμαι, ἀλλὰ τὰς μεταλλικὰς εἰναι δίκαις τοῖς κοινωνοῦσι μεταλλου καὶ τοῖς εἰς\textsuperscript{u} ἔτερον συντρήσασιν\textsuperscript{v} καὶ ὅλως τοῖς ἐργαζόμενοις τὰ μέταλλα καὶ τῶν ἐν τῷ νόμῳ τι ποιοῦσι, τῷ δὲ δανείσαντι Πανταϊνέτῳ, καὶ ταῦτ’\textsuperscript{w} ἀπειληφότι γλάσχρως καὶ μόλις παρὰ τοῦτον, οὐκ εἰναι δίκην\textsuperscript{x} μεταλλικὴν προσφευκτέων, οὐδ’ ἐγγύς.

39. 'Ως μὲν οὖν οὖτ' ἡδίκημα τοῦτον οὐδὲν οὖτ' εἰσαγόμενος ἐκ τῶν νόμων ἐστίν ἡ δίκη, ταύτ’ ἄν τις σκοπῶν ῥαδίως γνοίη. οὐδὲν τούτων δίκαιον ἔχων οὐδὲ καθ’ ἐν λέγειν ὑπὲρ δὴν ἐγκαλεῖ, ἀλλὰ καὶ γρεῦνη 978 γεγραφῶς εἰς τὸ ἐγκλημα καὶ περὶ δὴν ἀφίκε δικαζόμενος, τοῦ ἐξελθόντος μηνός, δὲ άνδρες Αθηναίοι, ἐπειδή ἐμελλὼν εἰσίνει τὴν δίκην, ἦδη τῶν δικαστηρίων ἐπικεκληρωμένων, προσελθὼν καὶ περιστήσας τοὺς

\textsuperscript{t} ἅλλως Z cum Σ. ὅλως Bekk.
\textsuperscript{u} om. Z.
\textsuperscript{v} εἰς τὰ τῶν πλησίων Ζ.
\textsuperscript{w} αὐτ’ Z cum Σ.
\textsuperscript{x} πρὸς δίκην Cobet, nov. lect. 609.

38. \[\text{συντρήσασιν}\] Properly, \[\text{συντρέπανεν}\] is to make a hole into another hole, i.e. to make two holes meet. So in Aesch. Cho. 451, \[\text{δι’ ωτων δὲ συντρέπανε μοδὸν}\] may refer to words entering the double aperture of both ears; and thus the emendation \[\text{δι’ ωτων δ’ ἐσωτέρανε}\], however probable, can hardly be regarded as necessary, See also Herod. ii. 11, \[\text{σχεδὸν ἀλλήλοις συντρέπαντας τοὺς μυχοὺς,}\] used of two arms of the Red Sea that converge and join in one.

39. ‘But a man who has lent money to Pantaenetus, and has had the utmost difficulty 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.

\[\text{γλάσχρως}\] Lit. ‘with greediness on his part,’ i.e. wish to retain it if possible. The adjective properly means ‘sticky,’ \[\text{κολλώδης, Ησυχ., hence ‘important,’}\] as in Ar. Ach. 452, \[\text{νῦν δὴ γενοῦ γλάσχρος, προσαίτων, λαπαρῶν τ’}.\]

\[\text{§39. One proof that the plaintiff was conscious of the weakness of his case against me, is a trick which he put upon me respecting the torture of one of my slaves, almost the moment before the trial was about to commence.}\]

\[\text{περὶ ὧν ἀφήκε} \text{viz. which was forbidden by the law, §19.}\]

\[\text{ἐπικεκληρωμένων}\] Like the Roman custom sortiendi judices,
μεθ’ έαυτού, το ἐργαστήριον τῶν συνεστῶτων, πράγμα ποιεὶ πάντεινον· ἀναγιγυώσκει μοι πρόκλησιν 40 μακρὰν, ἀξίων, ὅν φησιν οἰκέτην ταύτα συνειδέναι, βασανίζεσθαι, κἀν μὲν ἢ ταύτ’ ἀληθῆ, τὴν δίκην ἀτίμητον ὀφλεῖν αὐτῷ, ἐὰν δὲ ψευδῆ, τὸν βασανιστὴν τῇ αὐτῷ Ζ.

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; ἐκλήρωσι πάντας, Ar. Eccl. 682, who is speaking of public, not of special or private causes. In Mid. § 13, τὸν ἄρχοντα ἐπικληροῦν ὁ νόμος τοὺς χροῶς τοὺς αὐθητὰς κέλευε. 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.


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

40. μακρὰν] 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, Mnecycles, 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 Mnecycles, 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, Mnecycles, 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.]

ἀτίμητος, opposed to τιμῆτος, 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.—ὀφλεῖν, ‘that I should have to pay to him the sum charged in the suit’ (two talents).
Μνησικλέα ἐπιγνώμονα εἶναι τῆς τίμης τοῦ παιδὸς. λαβὼν δ’ ἐγγυτάτοι τούτων παρ’ ἐμοῦ, καὶ σημειάμε-41 νυ τὴν πρόκλησιν ἐμοῦ, οὐχ ὡς δίκαιον οὖν τοῦ γὰρ ἐστι δίκαιον ἐν οἰκέτου σώματι καὶ ψυχῇ ἡ δύο ὁφλη-κέναι τάλαντα ἡ μηδὲν τὸν συκοφαντώντα ξημιού-σθαι; ἀλλ’ ἐγὼ πολλῷ τῷ δικαίῳ περιείναι βουλόμε-νος συνεχῶρουν. καὶ μετὰ ταῦτα προσκαλεῖται μὲν με τὴν δίκην πάλιν, ἐπειδὴ θάττον ἀνείλετο τὰς παρακα-ταβολάς. οὕτως εὐθὺς ἢν δῆλος οὐδ’ ὅσ αὐτὸς ὑπό-42 σατο ἐμμένων δικαίους. ἐπειδὴ δὴ ἥκομεν πρὸς τὸν βασανιστὴν, ἀντὶ τοῦ τὴν πρόκλησιν ἀνοίξας δεῖξαι τὰ

[§§ 40–43]

[Epignomon] Aeschylus has γνώμων ἄκρος; and προβάτογνώ-μων, Ag. 768, 1099. Hesych. ἐπιγνώμων, ἐπόπτης. The term was applied to the inspectors of the sacred olives (Boeckh, P. E. p. 305).

[Ἐγγυτάς] Sureties that I would abide by the terms of the challenge.

§ 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.

ποῦ γὰρ [‘It cannot be right that.’] So Eur. Ion 528, ποῦ δὲ μοι πατήρ σο; Heradl. 369, ποῦ ταῦτα καλῶς ἄν εἶ χαρά γ’ εὖ φρονοῦσιν;

ἡ μηδὲν κ.τ.λ.] It was unfair that his risk should be nothing at all, supposing the result of the torture was in my favour. It would seem from this that in the case of a πρόκλησις, or chal-

[πολλῷ τῷ δικαίῳ] i.e. to have on my side a περιωνία, or more than the bare justice necessary for supporting my plea.

[ἀνείλετο] It seems that, on cancelling or withdrawing an action, not for a frivolous reason, but by a πρόκλησις or some other way of settling it, the plaintiff was entitled to ‘take up’ or recover the deposit he had paid into court, the general term for such court fees being προτασεῖα. Ar. Nub. 1136. Vesp. 659. Boeckh, p. 345.

§ 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 tortu-

[δεῖξαι] It seems to have been the custom to produce the document before the proceedings commenced, that both parties might consent to the course pursued.
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gεγραμμένα καὶ κατὰ ταῦτα πράττειν ο ὁ τι δόξαι (διὰ γὰρ τὸν θόρυβον τὸν2 τότε καὶ τὸ μέλλειν καλεῖσθαι τὴν δίκην τοιοῦτον ἦν· προκαλοῦμαι σε ταυτὶ· δέχο-μαι· φέρε δὴ τὸν δακτύλιον· λαβέ· τίς δ’ ἐγγυτής· οὕτως· οὐδὲν οὐτ’ αντίγραφον οὐτ’ ἄλλο οὐδὲν ἐποιη-σάμην τοιοῦτον)—ἀντὶ δὲ τοῦ ταῦθ’ οὕτως ὀστὴρ 979 λέγω πράττειν ἐτέραν ἥκεν ἕχων πρόκλησιν, ἄξιων αὐ-τὸς βασανίζειν τὸν ἀνθρωπὸν, καὶ ἐπιλαβόμενος εἴλκε, καὶ ἐνέλευπεν οὐδὲν ἄσελγειας. καὶ ἐγωγ’ ἐνεβιμὴ- 43 θην, ὁ ἄνδρες δικασταὶ, ἢλίκον ἐστὶ πλεονέκτημα τὸ μὴκαταπεπλήχθαι τὸν βίον. ἐγὼ γὰρ ἔμαυτον3 ταῦτα πάσχειν ἔδοκον καταφρονούμενος τῷ ἀπλῶς καὶ ὡς πέφυκα ζην, καὶ δίκην διδόναι παμμεγέθη ταὐτ’ ἀνε-

3 om. Z et Bkck. καταπεπλάσθαι Emperius laudatus in Bkck. st.

τὸ μέλλειν καλεῖσθαι] sc. ἐπι- kekl. 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 enabbit: euergsp: salva est: evasit ex aqua: iam in litore est.’

τὸν δακτύλιον] The ring for sealing the challenge.

ἐτέραν] Not, perhaps, literally another; but the terms agreed on had been so altered that virtually it became another. ἄσελγειας] 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 καταπεπλήχθαι] τὸ μὴ καταπλήγα εἶναι (Arist. Eth. N. i 7). ‘The not being shy.’ Kennedy quite alters the sense in translating ‘what an immense advantage it is to inti-

mite 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, ver-
tenda: quantum sit lucrum syncophantae ita viveere, ut alii metu eiuς persecllantur; ut sarcas-
tica sit notatio morum calumnitoriis,’ G. H. Schaefer. Or. 21 (Mid.) § 194, ὥστε κακῶς λέγων —καταπλῆξεν ἐπο τὸν ὅδον ἀπαντα.—μὴ is a conjecture due to F. A. Wolf, accepted by Reiske and Dindorf,
XXXVII. ΠΑΡΑΓΡΑΦΗ [§§ 43—47

χόμενος· ὃτι δ' οὖν ἴμαγικαζόμην, παρ' ἄ ἤγοϋμην δίκαια εἶναι, ἀντιπροκαλεῖσθαι, καὶ τὸν οἰκέτην παρεδίδουν. καὶ ὃτι ταῦτ' ἄληθή λέγω, λέγε τὴν πρόκλησιν.

ΠΡΟΚΛΗΣΙΣ.

44 Φυγών μὲν τοῖνυν ταύτα, φυγών δ' ἃ τὸ πρῶτον αὐτὸς προϊκαλέσατο ἐγωγε, ὃ τι ποτ' ἐρεί πρὸς ὑμᾶς, θαυμάζω· ἵνα δ' εἶδητε υφ' οὖ φησί καὶ τὰ δεινὰ πεπουθέναι, θεάσασθε. οὕτως ἐστίν ὁ Πανταινετον ἐκ-βαλὼν, οὕτως ἐσθ' εἰ ὁ κρείττου τῶν φίλων τῶν Πανται-νέτου καὶ τῶν νόμων. οὐ γὰρ ἐγώγε' ἐπεδήμουν, οὐδ' αὐτὸς ἐγκαλεῖ.

45 Βουλομαι δ' ὑμῖν καὶ δι' οὖν τοὺς πρότερον δικα-στάς ἐξαπατήσας εἶλε τὸν Εὐεργον εἰπείν, ὃν εἰδῆθ' ὃτι καὶ νῦν οὐδὲν οὔτ' ἀναιδεῖας οὔτε τοῦ ψεύδεσθαι ἐστὶν Ζ. ἀνεχόμενος] ύπομένων. By patienty enduring all this impu-
dence from him. He wished to be thought μέτροις and ἐπεικῆς, but found himself despised as ἄψυχος.

δι' 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 de-
clined to act on this πρόκλη-
σις, 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 (ὡσ ὡς δίκαιον, sup. 41). For δ' οὖν, 'be that as it may,' see Aesch. Agam. 34, 217 (P.) Or. δὲ § 10, πέρας δ' οὖν—ἐξαι-
ρείται τὸν σῶτον, where δ' οὖν means, as usual, 'be that as it

may,' leaving the truth of a pre-
vious statement undetermined.

44. ἃ τὸ πρῶτον] viz. that Mnæicles, not the plaintiff him-
self should preside over the torture.—ὁ τι ποτ' ἐρεί, 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, Antigens, 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 com-
ing 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.
paraleiψει. ὁρᾷ ὁ τούτως καὶ περὶ δὲν ἐμοὶ δικάζε-ταί νυν τὰς αὐτὰς οὐσας ἀπολογιᾶς εὑρίσκετε ὥστε πρὸς ἐλεγχος ἀκριβέστατος ἐστιν ύπὲρ τοῦ τότ' ἐκείνον σε-συκοφαντήσαι. οὕτως γὰρ ἤτιάσατο ἐκείνον πρὸς ἀπασι τοῖς ἄλλοις ἐλθὼν εἰς ἀγρόν ὡς αὐτὸν ἐπὶ τὰς ἐπικλήρους εἰσελθεῖν καὶ τὴν μνητέρα τὴν αὐτοῦ, καὶ τοὺς νόμους ἦκεν ἔχον τοὺς τῶν ἑπικλήρων πρὸς τὸ 980 δικαστήριον. καὶ πρὸς μὲν τὸν ἀρχιν, ὅπεν τῶν τοιού-46 τῶν οἱ νόμοι κελεύουσιν ἐπιμελεῖσθαι καὶ παρ' ὧν τῷ μὲν ἡδικηκότι κίνδυνος περὶ τοῦ τὶ χρὴ παθεῖν ἢ ἀπο-τίσαι, τῷ δ' εὔεξίοντι μετ' οὐδεμιᾶς ζημίας ἢ βοήθεια, οὐδέπω καὶ τῇμερον ἐξήτασται, οὐδ' εἰσήγγειλεν οὔτ' ἐμὲ οὕτε τὸν Ἐυεργοὺς ὡς ἀδικοῦντας, ἐν δὲ τῷ δικα-στηρίῳ ταῦτα κατηγόρει καὶ δυοῖν ταλάντων εἴλε δί-κην. ἦν γὰρ, οἷμαι, κατὰ μὲν τοὺς νόμους προειδότα.47

d προϊόντα Ζ cum Σ. προειδότα Bekk.

τὰς αὐτὰς ἀπολογιὰς] viz. the charge of aikia and ὄβρυς, § 33.
. εἰσελθεῖν] This is illustrated by Mid. p. 540, § 79, εἶτα τῆς ἀδελφῆς ἐπὶ ἐνδὸν οὐσῆς τότε καὶ παιδὸς οὐσῆς κόρης ἐναντίον ἐφθαγόντο αἰσχρα, κ.τ.λ. By the term ἐπίκληρος is meant an unmarried girl who becomes with her fortune the property of her nearest marriageable male relative. To open the door of the γυναικωνίτις to admit a man, was to take an unwonted liberty; and this seems the point of the charge in the mock-trial Ar. Vesp. 768, δι' τῶν θυρῶν ἀνέβησεν ἡ σησίς λάθρα. Euripides pretends that he would exclude even women-servants, χρῆν δ' ἐς γυναῖκα πρόσπολον μὲν οὐ περάν, Hippol. 645.

46. We gain from this passage the important information, that the process before the archon in such cases was by εἰσαγγελία (Or. 34 § 50), and that no penalty attended the failure of the prosecution, like the χίλαι δράχμαι 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.

. ἐξήτασται] This may mean, 'he has had the matter investigated,' in the medial sense. 'Not to this day has he ever appeared before the Archon.' Kennedy. (Mr Mayor, p. 246, regards the passive meaning to be the correct one.)

. δυοῖν ταλάντων] This shows why he hoped to get the same amount out of Nicobulus, § 32.

§ 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.

[§ 47] Here for δύσασθαι. With πρέπον, ἤν is to be repeated from above. ἤ ὀργῇ] The resentment they felt about the ἐπίκληροι.—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?

[§ 48] The facts of the case rather than the mere assertions of himself and his witnesses.—συνεστὼς, 'packed;' see § 30.

τῷ—κλάθεσιν] 'In his being ready to cry.' This use of the future (τὸ ποιήσειν facturum esse, &c.) belongs to the later Attic, the Ionic form in -ήσος of κλάω, or κλάω, common in the earlier dialect (τυπτήσω, χαιρήσω, βαλ-λήσω, &c.), being retained.—μηδὲν, κ.τ.λ. Cf. Mid. p. 537, § 70, τῷ μηδὲν ύποστελλόμενῳ πρὸς ὑμῖν. 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. ύποστελλόμενος: ύποκρύπτομεν, φοβητείς.—ὑποστελλόμενοι ἀνα-δύνεσθαι, δολεύεσθαι, ὑποκρί-νεσθαι.—ὑποστέλλεις φοβεῖται, καὶ τὰ ὄμα, In De Fals. Leg. p. 415, μετὰ παρρησίας διαλεχ-θήναι μηδὲν ύποστελλόμενον clearly means "without any reserve." Cf. Eur. Orest. 607, ἔπει δρασίνει κοίχι ύποστέλλει λόγῳ. 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 impudently." 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.

δεις The second person is rare, though the Greeks often say τοσοῦτον δεῖς, &c. See on Or. 40 § 22.

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

ὀφείλων] See § 4.—διαλύσαι, sc. τοὺς δανείσαις. See § 12.

tоὺς τὰῦτα κ.τ.λ.] 'Those who helped you to raise the ready money and enabled you to satisfy your original creditors.'

ἡδικῆαι] See § 7, τῶν ἐν ταῖς συνθήκαις πολύντων οὐδὲν τοῦτον.

ἄτιμοσαι] sc. ὡς ὀφείλοντα, 'To disfranchise him besides.' If, with the Zürich editors, we print this as one word προσατιμώσαι, we must still translate the preposition as a separate word, as in Or. 39 § 23, πρὸς μισεῖν, 22 § 75, τοσοῦτ᾽ ἀπέχει τοῖς τιμής τινος τυχεῖν 'ὡστ' ἀπειράκαλος πρὸς έδοξεν, and Aristot. Eth. iv iii 24, πρὸς ὀφλήσει. Inf. § 56, we have δίκην προσοφλείων. S.]

καὶ τῶν 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 συμβεβληκός] 'The lender,' 'the maker of the contract.' So Or. 34 § 1, συμβόλαια πολλοῖσι συμβάλλοντες, and inf. § 54. He is now speaking of Evertus (тάλαντον Εὔβεργον, § 4).—δῶ, see § 46.
50. δοῦν ταλάντων] viz. for damages, § 32.—καθάπαξ, § 31. The sum mentioned in § 31 is 3 talents and 26 minae. Here he uses a round sum; see Or. 34 §§ 25, 41.

eis ταῦτα κ.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, ei δ’ ἐγὼ—τῇ πόλει παραχωρώ τῆς τιμορίας. This seems little better than a quibble; according to the plaintiff, violence was used by Antigenes in taking the money (§ 22); but perhaps he refers to the occupation of the mine under protest, § 25.

51. η τίς ἂν κ.τ.λ.] ‘Who would say that, when Evergus has already been condemned for them, my slave was also guilty of the same acts?’

§ 51. Besides, the plaintiff himself has defeated his own purpose by reversing the process he should have adopted; he should have charged the slave with the act direct, and made me indirectly responsible, as his master. But now he has charged me first, and then the slave through me.

ἐξήτει] Sup. § 40, ἄξιῶν ἄν φησίν οἰκέτην ταῦτα συνειδέναι, βασανίζεσθαι.


ὡςπερ κυρίου] As if he had
'Epeidaiav toinwn tis auton ereita "kai ti dikaiow 52 exeis legein proos Nikoboulou;" misoisi, fhsion, 'Athe-

vaioi toous daveizontas. Nikoboulous de' epifthonos esti, 
akai tachews badixei, kai megafa thegnetai, kai bap-
kterian forei' tauta de' estin aptanta, fhsi, proos 
emou. kai ta't ouk aischunetai legeon, oude toous 
akoynontas oieita manvbanein oti sukofantontos estin

i logosmos ouotos, ouk adikoumenon. evo de' adikein mev 53 
982 ouvdena ton daveizonton oimai, misesidhia mevou ti-
vase an ekotos ufo' umowo, ou teuhn ey pragma

pepoimenei mite sugnymos mite' allon mmedenos eyiwn

1 + θ Ζ.

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 ac-
tion against the master, and
charged the facts against the
slave, as if he were his own
guardian?' Kennedy.

§§ 52—4. Unable to substanc-
tiate any real charge against
me, he will descend to general
platitudes against money-lend-
ers; as if that were not in it-
self a proof that he has nothing
better to say.

tachews badixei k.t.l.] Or. 45
§ 77, ths men deves th fusesi kai
th tachews badixein kai lalein
megga, ou twn euvkhs pevfiwtan
emaithu kriow' ephi 'ois gar oude
ofioloumenus lupw tinas, elatovn
exw polllhov. Cf. infr. § 55.—
Aristotle, in one of the touches
that remind us of the Charac-
ters of his pupil Theophrastus,
ascribes to the megaloiphos
(Eth. iv ix=iii) kinnhis brad-
delia kai phvne barea kai lexis
stasimos. S.]

Theophrast.
Char. 21 (Mikrophiolomias), de-

vds ekaspaitai—baktterias ton
skolivos ek Lakedaimevos. From
many passages in Aristophanes
(e.g. Vesp. 33, Eccl. 74), as
well as from the chorus in the
Agamemnon who are said tri-
podos oivou stelxen (80), it is
evident that sticks were com-
monly 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. teuhn pepoimenei] '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.'— mite sugnymos, 'who
care neither for humanity nor
for anything else but the lust of
gain.' Kennedy. The reading
seems in some way faulty here;
either epimeleis eisw oivon or
frofis-

ious would represent the
required sense. [The reading of
the Mss is supported by the
quotation of Priscian pi 359, 22
Hertz: 'Attici sugnymos ouk
estw ouotos, id est nemini dat

9—2
53. **XXXVII. ΠΑΡΑΓΡΑΦΗ [§§ 53—57**

άλλ' ἡ τοῦ πλείωνος. διὰ γὰρ τὸ καὶ δεδανείσθαι πολ-
lάκισ, μὴ μόνον αὐτὸς τοῦτῳ δανείσαι, οὐδ' ἐγὼ1 τού-
tους ἀγροὶ οὐδὲ φιλῶ, οὐ μέντοι γ' ἀποστερῶ μὰ Δι'

54 οὐδὲ συκοφαντῶ. ὡστὶς δὲ εἰργαστεῖ καὶ μὲν ὠστερ ἐγὼ
πλέων καὶ κινδυνεύων, εὐπορήσας δὲ μικρῶν ἐδάνεισε
ταῦτα, καὶ χαρίσασθαι θυχλόμενον καὶ μὴ λαθείν διαρ-
ρων αὐτὸν m τὸ ἄργυρον, τί τις ἂν τούτον εἰς ἐκείνους
tιθεί; εἰ μὴ τοῦτο λέγεις, ὡς ὦς ἂν σοι δανείσῃ, τοῦ-
tου δημοσίᾳ μισεῖσθαι προσήκει. λέγε δὴ μοι τὰς μαρ-
tυρίας, τίς ἐγὼ πρὸς τοὺς συμβάλλοντας ἀνθρώπος καὶ
πρὸς τοὺς δεομένους εἰμί.

**ΜΑΡΤΥΡΙΑΙ.**

55 Τοιοῦτος, ὡ Πανταίνετε, ἐγὼ ὄ ταχὺ βαδίζων καὶ
τοιοῦτος σὺ ὄ ἀτρέμας. ἀλλὰ μὴν περὶ τοῦ ἐμοῦ
γε βαδίσματος ἢ τῆς διαλέκτου τάληθη πάντ' ἐρῶ
πρὸς ὑμᾶς, ὃς ἀνδρεῖς δικασταί, μετὰ παρρησίας. ἐγὼ

1 + αὐτὸς Z cum Ἐκλ1.

m αὐτὸν Z.

veniam. μισεῖσθαι—πλείωνος. Sal-
lustius in Iugurthino: homines multarum imaginum ac nullius
stipendii (85, 10).’ S.]

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

ἀποστερῶ] As Shilleto re-
marks 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.
—εὐπορῆσας 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 ἐκείνους, why should
he be classed with those others
who τέχνην πεποίηται?

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

τίς ἐγὼ κ.τ.λ.] Here, as in
Or. 39 § 25, τίς = ποῖος.

§§ 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.
γὰρ οὐχὶ λέξηθα ἐμαυτῶν, οὔδ' ἀγνώο οὐ τῶν εὗ πεφικό-
των κατὰ ταύτα ὧν ἀνθρώπων, οὔδε τῶν λυσιτελοῦντων
ἔαυτοῖς
. εἰ γὰρ εὖ οἷς μηδὲν ὁφελοῦμαι ποιῶν, λυπῶ
τιμᾶς, πός οὐκ ἄτυχῶ κατὰ τούτο τὸ μέρος; ἀλλὰ τί 56
χρὴ παθεῖν; ἀν τῷ δεῖν δανείσω, διὰ ταύτα δίκην
προσοφλείν; μηδαμῶς. κακίαι γὰρ ἐμοὶ καὶ πονηρίαι
οὐθ' οὕτως προσούσαν οὐδεμιᾶν δεῖξει οὐθ' ύμῶν τοσοῦ-
των ὄντων οὐδὲ εἰς 57 σύνοιδεν. τὰλλα δὲ ταῦθ' ἐκαστῶ
ἡμῶν, ὅπως ἐτυχε, πέφυκεν, οἴμαι. καὶ φύσει μάχε-
983 σθαί μὲν ἔχοντα οὐκ εὕπορον ἐστὶν (οὐ γὰρ ἄν ἀλλή-
λων διεφέρομεν οὐδέν), γνῶναι δ' ἰδὼντα ἔτερου καὶ
ἐπιπληξαῖ πάθῳ. ἀλλὰ τί τούτων ἐμοὶ πρὸς σὲ, Παν-
ταίνετε; πολλὰ καὶ δεινὰ πέπτονθα; οὐκοῦν εἰληφας
dίκην. οὐ παρ' ἐμοῦ γε; οὐδὲ γὰρ ἡδικήθης οὐδέν ὑπ'

n ἐμαυτῷ Ζ et Bekk. st. cum libris. ἐαυτοῖς Bekk. (1824) et
Dindf. cum Reiskio.

. οὔδεν Bekk. 1824.

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

έχοντα] 'Since one has it,'
i.e. a particular form and shape
assigned to him. [Ar. Vesp. 1457
τὸ γὰρ ἀποστήναι χαλεπὸν φύοεσ,  ἣν χοί τις ἀεί.  S.]—οὐ γὰρ ἄν
κ.τ.λ. (and that he should have
such is a necessity): for,' &c.

γνῶναι δ' ἰδόντα] 'Though it
is easy enough to remark and
criticise them in another.' Ken-
nedy, Hesych. ἐπιπληξεῖν ἐπελ-
θεῖν, ἐπιμηθαί, ψῆβαι. He is
supposed to refer to I. xxii. 580,
καὶ μ' οὕτως φημι ἄλλων
ἐπιπληξεῖν Δανᾶ. 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, ἀνε-
πιπληκτοῖς ἡκηκὼς βίον, the
variant ἀνεπιπληκτιῶν is derived
from Hesychius.

57. τί τούτων] 'Which of
these personal failings of mine
affects the question between you
and me?'

οὐ παρ' ἐμοῦ γε] 'Not from
me, do you say? Of course
not; you were not wronged by
me, or you would not have
given me the release, nor pass-
ed by me when you resolved (were making up your mind) to commence an action against Evergus, nor required one who had done you the many grievous wrongs you pretend, to promise to sell you the property.'

§ 59. The strongest case of this is seen in the law which acquits even a homicide if the dying man forgoes him.

Aκουσίου] This, the manuscript reading, is more probable than Reiske's conjecture έκουσίου, which is adopted by Bekker, followed by Kennedy; for it is not likely that deliberate and intentional murder would be pardoned.—μὴ καθαρῶν, that he is ἐναγής, or has contracted a guilt requiring formal expiation.—αἰτίως, 'to show mercy to a suppliant,' is almost a technical term. [The whole of this passage ἐλ τοίνυν—τὸν αἰτῶν ἔστω, and § 60 ἐδιϊπτερ—καταλυθήσεται, is repeated almost verbatim—a practice not very uncommon with Demosthenes, in Or. 38 §§ 21 and 22, where the words ἐν ἑλὸν τις άκουσίου φόνου, κ.τ.λ. (though one ms the codex Bavariacus has έκουσίου)
support the reading adopted in the text. Cf. Or. 23, Aristoc. § 72, πάντω ἐπὶ ἀκούσιως φόνῳ φεύγειν ἐν χρόνον τινα τῶν ἐν γένει τοῦ πεπονθότος, also ib. § 77. S.

ἐκβαλεῖν] ‘To procure his banishment,’ contrasted with ἐκπίπτειν καὶ φεύγειν, infr. ὀν ὑπὲρ μὲν δὲ χρημάτων καὶ ἐλπίδων ἐγκλημάτων ἀκυρον ἑσταί; μὴ δαμασώ. οὐ γὰρ εἰ μὴ τῶν δικαίων ἐγὼ παρ' ὑμῖν τεῦξομαι, τοῦτ' ἐστὶ δεινότατον, ἀλλ' 984 εἰ πράγμα δίκαιον ὄρισμένον ἐκ παντὸς τοῦ χρόνου νῦν καταλυθήσεται. ἡμῶν.

[τῆς ψυχῆς Ζ.]

καταλύσετε Ζ cum B. Sed cf. Or. 38 § 22 νῦν καταλυθήσεται.

[to μέν] ‘If you please’ does away with all fear in every one of these questions.

60. ei 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 efficacy of acquittance in barring further proceedings; and it is evident that this is the plea on which he mainly relies in bringing his παράγωγον against the claims of Pantaenetus.

[ἐφ' ἡμῶν] The last two words are omitted in Or. 38 § 22, and indeed are hardly necessary, as νῦν is quite sufficient as a contrast to ἐκ παντὸς τοῦ χρόνου. Perhaps we should here read ἐφ' ἡμῶν, 'by your present decision.'
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 ἀνεπίσημοι 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 τής μητρός τῆς ἐμῆς ἀποθανούσης ἁξίωσεν αὐτὴν εἰς τὴν οἰκίαν παρ' ἑαυτῶν 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 (φαρπία 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 γραμματείων ηειαρχίκων) 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 (ὡς δὴ πρεσβύτερος ὦν, § 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 Βουρία ὦς, 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 κατασκευάσας, § 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 προικὸς (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 προικὸς 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 Μαντὶθεον περὶ προικὸς. It may be interesting to add that, in

1 ὁδὴ ἡμιδίκει τὸτε παρὼν, οὐτ’ ἐφη με καταδιαθήσασθαι τὴν δίκην αὐτοῦ· οὗ γὰρ εἶναι Βοιωτῶν αὐτῶ ὀνομα, ἀλλὰ Μαντὶθεον. (Or. 40 § 18.)

2 Or. 40 § 18 τὴν αὐτὴν ταύτην δίκην λαχών αὐτῷ Μαντὶθεῳ...ᾧν εἰς ύπας κατάπεφευγα.

3 Both speeches were carefully discussed by him in the lost 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
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. 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.

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, m 2, p. 222 ff., and Boeckh’s Staatsausgaben der Athen (2nd German ed.) 1, p. 680—1 = p. 675 trans. Lamb. See also Blass, Att. Ber. m 288, 416, where it is observed that Dionysius was misled by a false reading Πολύς for Ταμύνας 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.


2 A. Schaefer, u. s. p. 223.
ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ.

ΥΠΟΘΕΣΙΣ.

Μαντίας, εἷς τῶν πολιτευσαμένων Ἀθήνησι, γήμας γυναῖκα κατὰ τοῦς νόμους ἐκ ταύτης παῖδα ἐκτήσατο τὸν νυνὶ δικαζόμενον· προσήει δὲ τινὶ Πλαγγόνι κατ' ἀναθήματι, ἐν τῷ καταχρῆσθαι πρὸς τὸν νῦν ἴματος ἀπελπισμένου.

Argument. I. 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 (Mantithens) 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, πολιτευσαμένων, and Aristot. Rhet. ΠΠ 23, περὶ τῶν τέκνων αἱ γυναῖκες πανταχοῦ διορίζουσι τύληθες· τοῦτο μὲν γὰρ Ἀθήνησι Μαντία τῷ ῥήτορι ἀμφισβητοῦντι πρὸς τὸν νῦν ἴματος ἀπελπισμένου. 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 ἡρωματιστὴς ὁ πατήρ.) See note 1 on p. 140, and Arnold Schaefer's Dem. und seine Zeit, iii 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 υποκόρισμα, as the word means 'Dolly.' Hesych. πλαγγόνι κηρυκόν τι κοροκόσμων. The fact of this woman being ἀστῆ, not δουλῆ or ξένη, made the sons legitimate, if acknowledged by the father, even if the marriage was not κατὰ νόμου.
There was a law (Arg. ad Or. 57, πρὸς Εὐθυνίῳ;) 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; τούς μὴ γεγονότας εξ ἀστοῦ καὶ εξ ἀστῆς ἠξελείφθαι. So Or. 48 § 53, Ὀλυμπιώτατος γὰρ οὖσα γυναῖκα, μὲν ἀστῆν κατὰ τοὺς νόμους τοὺς μετέρωσεν ὑποστοловέτως 'ἐγήμεν, οὐδ' εἰσὶν αὐτῷ παίδες οὐδ' ἐγένοντο.
6. ἀναλαμβάνει] Suscipit, ‘acknowledges as his own.’
8. ἀπατήθεις] The grammarian goes on to explain this. He first explains προκλήσεως, and then προοκλαλέσατο ἀπατήθεις. 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.
14. προοκλαλέσατο] This word, ‘to make a formal offer,’ governs a double accusative, τὴν παίδαν. So πολλὰ προκαλομέμνην, sc. τὸν ἔρωτα, in Ar. Ach. 984. Or. 30, πρὸς Οὐνίτ. § 1, πολλὰ καὶ δίκαια προκαλεσάμενος ἀμφοτέρως, and προκαλεσάθαι τινα πρόκλησιν, Or. 56 § 17.
10. ἐμέμενεν] ‘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 ὁμόσα αὐτὴν.
14. λάθρα] 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 προτεινομένου, i.e. αὐτοῦ, ‘should he offer it.’
15. προοκαλεσάμενον] ‘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.
18. *τετελεύτηκεν*] 'He died.'
So the perfect is sometimes used by the grammarians, e.g. *πέπωμε*, Arg. ad Or. 34 § 31.
[The pf. ('dies and is now dead') is influenced by the present construction *δέχεται...αναγκάζεται*, &c. Prof. Kennedy.]
19. *εἰσποιηθέντων*] 'Who had been admitted by adoption into the roll of the citizens.'
22. *τοῦτο γὰρ αὐτῷ* If we read *αὐτῷ*, *τοῦτο* must mean Boeotus. If *αὐτῷ*, then Mantitheus: 'For this name had been given to himself, Mantitheus, by his father.'
The only instances of *τεθείσα* as passive quoted by Veitch, *Gk. Verbs*, are Ar. fragm. 304, ἀμφότερον ἑκὼν αὐτῷ τεθείσα τοῦ φωνα, which may be middle, and Demades 12, τὸς ὄρος τῆς Λακωνίκης τεθειμένος, which is from a spurious speech by a late Rhetorician. For its correct use, as a middle, cf. § 40, ὅστις ταύτων ὄνομα τέθειται, and for the passive, Isaeus 111 32 (ἕως) ὑπὸ τοῦ πατρὸς κείμενον. (Isocr. ad Dem. § 36 n.) S.]
*ib. αὐτόθεν*] 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 quarrel-some 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.
§§ 1—5. *Statement of the reasons why the present action is unavoidable. It is not brought in ignorance that I shall be blamed for going to law about a name; but the consequences of two persons bearing the same name are grave and serious. The defendant on a former occasion got up a plot with some disreputable persons, pretending to have suffered a wrong, and so he contrived, by an in-
genious fraud, to induce my father to recognise him and his brother as his own sons by another woman. He had hoped she would 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.

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.—Εν τωι (or rather Εν 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 δίκην εἰσελθείν or εἰσίναι. For κρύθαι we might rather have expected διαδικάσσομαι: κρύθαι, however, is virtually middle.

2. περιεργος] 'meddlesome, 'fussy.' The περι has the sense that it bears in περισσό, περγενέσθαι, περείναι, περούσιος, of 'superfluity;' but it is not easy to explain it.

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 γενικαρπυρία, little certain is known; but it was evidently regarded as a public
scandal. We should expect Νινω, or Νω, as ἡ Νίνω is a strange name for a woman’s name. Allusion is made to this person, who was a priestess, in Παραπ. § 281, where the schol. says she was put to death, ὥσ φλτρα ποιοῦσθα τοῖς νεοῖς. See Mr Heslop’s note ibid. [Dionys. Halic. Deinarchus 11, Μενεκλῆς ὅ τὴν ἱερείαν Νίνων ἔλαβεν. Cf. Josephus adv. Apion. 11 37 § 4, ed. Müller 1877, νῦν μὲν γὰρ πιά ἱερεῖαν ἀπέκτεινα, ἐπεί τις αὐτῆς κατηγορήσαν, ὅτι ἔξως ἐμέει θεοῦ, which is supposed to refer either to Ninus (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, Νάννων, Νανώ (in Pape-Benseler’s griech. Eigennamen). S.]

ἐργαστήριον] See Or. 37, Ἀγρυπ., and ibid. § 39, περιστήσας τοὺς μεθ’ ἑαυτοῦ, τὸ ἐργαστήριον τῶν συνεστῶτών. In the parallel passage of Or. 40 § 9 we have παρασκευασμένος ἐργαστήριον συνοφάντων. For ἐκεῖνον, ‘that notorious man,’ comp. Or. 35 § 6, Ὀρασιμῆς ὁ Δωράντον νιὸς, ἐκεῖνον τοῦ Σφητίλου. In Or. 40 § 32, it is Meneicles who is charged with being the real author of the whole plot.—νιὸς 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... ὃς ἦν 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 υπόθεσις, 1. 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 dicasts. From Or. 40 § 37, it seems that Mantias had been an ambassador or πρόζενος 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.
νον έτέρωθι που λευνπημένοις εύταυθεί ἀπαντήσειεν αὐτῷ, ἀμα δ' ἐξαπατηθεὶς ύπ' ἐς τοὺς τοιτοὺς μητρὸς ὀμοσάσθης αὐτῆς ἢ μὴν, εἰών ὄρκον αὐτῇ διδώ περὶ τοῦτοι, μὴ ὀμείθαι, τοῦτων δὲ πρακτέντων οὐδὲν ἐτε ἐσεθαι αὐτοῖς, καὶ μεσεγυησάμενης ἀργύριοι, ἐπὶ τούτωι δίδωσι τὸν ὄρκον. ἥ δε δεξάμενη οὐ μόνον τοῦτον, ἀλλὰ καὶ τὸν ἀδελφὸν τὸν ἔτερον πρὸς τοῦτο κατωμόσατο ἐκ τοῦ πατρὸς εἶναι τοῦ ἐμοῦ. ὡς δὲ τούτ' ἐποίησεν, εἰσάγεις εἰς τοὺς φράτερας ἦν ἀνάγκη τοῦτοι καὶ λόγος οὐδεὶς ὑπελείπετο. εἰσήγαγεν, ἐποιη-

ε ἐνταυθοῖ Ζ. τ αὐτῷ Ζ. κ αὐτῆ Ζ.

ὁμοσάσθης αὐτῆς] 'Who had voluntarily sworn that, if any one should tender her an oath (lit. an object to swear by), she would decline to take it.' The terms διδώμαι and δέεσθαι δόχον are well known, if only from Aesch. Eum. 429, ἀλλ' ὄρκον οὐ δέεσαι ἂν, οὐ δοῦναι θέλει. We might render μὴ ὀμείθαι 'that she would swear they were not,' and this seems the more idiomatic meaning. The author of the Argument, however, says ὧς ὃν δεξομένην τὸν ὄρκον, καὶ τὸν ὄρκον μὴ δέεσθαι.—οὐδὲν ἔτει, 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. —μεσεγυησάμενης 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. [Harpoc. μεσεγυησάμαι: τὸ ὁμολογήθην ἀργύριοι παρ' ἀνδρὶ μέσῳ γνυμομένῳ ἐγγυητῇ τῆς ἀποδόσεως. Hermann, Privatalt. § 68, note 20 = Rechtsalt. ed. Thalheim p. 91, quotes Antiph. de Chor. § 50, Lysias adv. Philocr. § 6, Isoer. de Soph. § 5. S.]

4. κατωμόσασθαι] Lit. 'to swear by a given object.' Hence the genitive in Ar. Equit. 660, κατὰ χιλιῶν εὐχῆν πονήσασθαι, and ἐπαράσασθαι κατ' ἑξωλείας, ὡμωνοι ταῖα παιδῶν (Or. 54 § 38). Compare καταγοράςαι, 'to buy goods as against a loan of money,' Or. 34 § 7. The primary idea must have been adverse action against some one.

φράτερας] After the adoption, the first enrolment into the families took place; a politicoreligious ceremony. Ar. Ach. 145, ὥ δ' ιδον, ὃν Ἀθηναίων ἐπεποίησατα, ἥρα φαγεῖν ἀλλάταν ἐξ Ἀπατουρίων, i.e. ἐγγράφασθαι εἰς τοὺ φράτερας. [Harpoc. Ἀπατουρία: ἑστὶ τις παρ' Ἀθηναίων ἑν ἄγονι πυκνεύμοντες ἐφ' ἄμερας δ' κ.τ.λ. Ιδ. φράτερες: Δημ. περὶ τοῦ ὀνόματος. φρατρία ἐστὶ τὸ τρίτον μέρος τῆς φυλῆς, φράτερες δὲ εἰς τὴν αὐτῆς φρατριάς μετέχοντες. Hermann's Political Antiquities, § 99. S.] Cobet, Var. Lect. p. 350, shows that φράτερες is the true form, not φράτορες.
σατο, ἵνα τὰς μέσως συντέμω, ἐγγράφει τοῖς 'Απατουρίοις τούτοις μὲν Βοιωτόν εἰς τοὺς φράτερας, τοῦ δε' ἐτερον Πάμφιλον Μαντίθεος δε' ἐνεγεγράμμην ἐγὼ.

996 συμβάσης δε τῷ πατρὶ τελευτής πρὶν τὰς εἰς τοὺς 5 δημότας ἐγγραφᾶς γενέσθαι, ἐλθὼν εἰς τοὺς δημότας οὕτως ἀντὶ Βοιωτοῦ Μαντίθεον ἐνέγραψεν ἐαυτὸν. τοῦτο δ' ὁσα βλάπτει ποιῶν πρῶτον μὲν ἐμὲ, εἰτα δεκαῖος, ἐγὼ διδάξω, ἐπειδὰν ὃν λέγω παράσχων μαί μάρτυρας.

ΜΑΡΤΥΡΕΣ.

'Ον μὲν τούτων τὸν ἱμᾶς ἐνέγραψεν δ' οἰκῆσαι τῶν μαρτύρων ὅτι δ' οὐκ οἰσμένον τούτον δεῖν ἐμένειν, δικαίως καί ἀναγκαίως ἐλαχὸν τὴν δίκην,

h τάμμεσον Ζ.  i τῆς Ζ.

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 ἀστοί, viz. when, on passing the δοκιμασία, the young men were entered on the γραμματείων ληξιαρχικῶν. Cf. Or. 30 § 6, ἐπειδὴ τάχιστον ἀνήρ εἶναι δοκιμασθῆναι.

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

5. εἰς τοὺς δημότας ἐνέγραψεν The enrolment of Boeotus in the later register was fraudulent, and succeeded only because his father was dead. See Or. 40 § 54. 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.]—

τοῦτο δ', κ.τ.λ. ἰ.ε. τούτο ποιῶν ὡσα βλάπτει ἐμὲ, κ.τ.λ.

6. ἐμένειν] To abide by the name, Boeotus, which his father thought fit to give him. δικαίως, κ.τ.λ. to be construed with ἐλαχὸν—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 discredit and the charge of want of proper spirit, while his having the same name with me was on many accounts impossible.'
§§ 6—8

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XXXIX. ПРОС БОЙТОН

τοῦτ’ ἥδη δεῖξω. ἐγὼ γὰρ οὐχ ὁὕτω δῆπον σκαῖος εἰμι ἀνθρωπὸς οὖν ἀλόγιστος ὡστε τῶν μὲν πατρῶν, ἄ πάντα ἐμὰ ἐγύγνετο, ἐπειδήπερ ἐποίησατο τούτους ὀ πατήρ, συγγεχωρκεῖν τὸ τρίτον νείμασθαι μέρος καὶ στέργειν ἐπὶ τοῦτῳ, περὶ δὲ ὄνοματος ξυγομαχεῖν, εἰ μή τὸ μὲν ἡμᾶς μεταθέσθαι μεγάλην ἀτιμίαν ἐφερε το νανδρίαν, τὸ δὲ ταυτὸν ἠχεῖν τοῦτον ἡμῖν ὄνομα διὰ πόλλα ἀδύνατον ἦν.

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

σκαῖος...ἀλόγιστος] ‘Stupid and unreasonable.’

ἐγύγνετο] ‘Which were becoming mine,’ before my father was driven to adopt them.

τὸ τρίτον μέρος] Or. 40 § 48, κάθω μὲν διὰ τὴν τούτων μὴτέρα τὰ δύο μέρη τῆς οὐσίας ἁφαιρεθεὶς ὡς αἰσχύνομαι λέγειν περὶ ἐκεῖνης τι φλαῦρον.

ξυγομαχεῖν] ‘To wrangle,’ ‘to carry on a family quarrel,’ a metaphor either from two rowers on the γυγόν (cross-bit) of a trireme, or from two animals under the yoke. Hesiod, Opp. 439 ὁν ἀν ἵ τ’ ἐρίσαντε κατ’ αὐλακα καμικὸν ἀρτόν ἀξείαν, τὸ δὲ ἐργον ἐτόσιον οὐθε λίπον. It is from the latter simile that the author of the proeme to the Iliad says ἐξ ὦ δὴ τὰ πρῶτα διαστήτηρ ἐρίσαντε Ἀτρείδης τε ἄναξ ἀνδρῶν καὶ δίος Ἀχηλεύς. Hesych. ξυγομαχεῖν τὸ τοῖς οἰκείοις διαφερήσθαι. 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 refusing 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 which 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 κοινὰ] ‘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. 'Επιτάσσεως is the technical word in this sense, whereas προστάσεως is used of general commissions, orders, or appointments; in poetry even τάσεως, as φωνεῖν ἡταχθὴν πρὸς σοφόν διδασκάλου, Aesch. Eum. 269. We have οἶκητη προστάσαι in Or. 37 § 24, but the more common word is ἐπιτάσαι. So ἐπιταττόμενος φοιτᾶς, Ar. Vesp. 686.—οἴσουσι, '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).

χορηγὸν 'Choral-Steward,' Prof. Kennedy.

ἐστιάτορα] [Harpocr, ἐστιάτωρ: οἱ τραπεζῶν τισι παρατιθέντες. Δημ. εν τῷ πρὸς Βοιωτίων. Εἰσῆλθον τάς φυλὰς οἱ μὲν ἔθελονται, οἱ δὲ κληρονομοῦντο, δέοι γὰρ οὐδὲν ὅποιον ἕν τῷ κατὰ Μεθύδων (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 citizen, to the members of his tribe. See on this (and the other λειτουργίαι) Wolf's Preface to the Leptines, p. 45, ed. Beatson. Wolf indeed says 'to 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 hestiaioi 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. σῷ μὲν γὰρ 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 ὄτων ἑκεῖ η ἓ ὡτική, 'before whatever judge the cause is brought,' we must infer that the liturgies were appointed and enforced by different authorities.
πρὸς ὄντι

οὐχ ὑπακούομεν. οὐ λειτουργοῦμεν. πότερος ταῖς ἐκ τῶν νόμων ἔσται θημίας ἐνοχος; τίνα δ’ οἱ στρατηγοὶ τρόπον ἐγγράφουσιν, ἀν εἰς 997 συμμορίαν ἐγγράφωσιν, ἀν τριήμαρχον καθιστῶσιν; 9 ἐὰν στρατεία τις ἢ, τῷ δήλῳ ἔσται πότερός ἐσθ’ ὁ κατελεγμένος; τί δὲ, ἐὰν ἀλλη τις ἄρχη 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 συμμορίαι, 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, ἀν προεισφορὰν μὴ κομίζῃται. 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 κατελεγμένος] ‘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 ἡμᾶς, τοὺς δ’ ἄνω τε καὶ κάτω ἕξαλειφοντες δίς ἡ πρὶ.

λειτουργίαν, οἷον ἄρχων, βασίλευς, ἀθλοθέται, τί σημείον ἔσται πότερον καθιστάσιν; προσπαραγράψουσι νὴ Δία τὸν ἐκ Πλαγγόνος, ἄν σὲ ἐγγράφωσιν, ἄν τὸ εἴμε, τῆς ἔμψης μητρὸς τούνομα. καὶ τίς ἦκουσε πώποτε, ἢ κατὰ ποιῶν νόμον προσπαραγράφοιτ' ἂν τοῦτο τὸ παράγραμμα ἢ ἄλλο τι πλὴν ὁ πατήρ καὶ ὁ δήμος; ὃν ὄντων ἁμφοῖν τῶν αὐτῶν πολλῇ ταραχῇ συμβαίνει. φέρε, εἰ δὲ κριτῆς καλοίτο Μαντίθεος Μαντίον οἱ Θερίκιος, τί ἂν ποιοίμεν; ἡ βαδίζοιμεν ἂν ἁμφὼ; τὼ γὰρ ἐσται ἁδηλον πότερον σὲ κέκληκεν ἢ ἔμε; πρὸς Διὸς, ἂν ὁ ἄρχων ἱντυοῖν ἡ πόλις κληροί, οἶνον βουλῆς ἢ θεσμοθέτου ἢ τῶν ἄλλων, τῷ δήλοις ὁ λαχῶν ἡμῶν ἔσται; πλὴν εἰ δι σημείων, ὡσπερ τά ἄλλα τινὶ, τῷ

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ἀθλοθέται] Boeckh, Publ. Ec. p. 216, "For the games there were the athlothete, who had the particular care of the great Panathenaea, though probably with the exception of the sacrifices." [Prize-managers, 'Stewards of the Games.' Pollux, ἀθλοθέτας, ένα κατὰ φυλῆν έκάστην. S.] κατὰ ποιῶν νόμον]. 'By what law could this special description be added to the usual form, or indeed any other than that of the father and the deme?' This was the invariable description of a citizen, as given below, Μαντίθεος Μαντίον Θερίκιος.—ποίος, as usual, follows τίς, or καὶ τίς, implying incredulity of some statement.

10. κριτῆς] This seems rather a general term. The θυσιάσται answer more nearly to the Roman judices; and the president was usually one of the Archons, as at Rome the Praetor. The Athenians had not, as Bp. Thirlwall 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, ὁ κρινόμενος.

κληροί] The subjunctive; and the same is also the present indicative and optative of verbs in ὁς. 'If the state is appointing to any office by lot.' The middle voice is used of the person who obtains it, κληροτά, sortitur, or εἰληχε,—θεσμοθέτων, 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 ἡ τοια τῶν ἄλλων (ἄρχων), or ἡ ἄλλην τινα.
It appears from this that the lot was a piece of bronze or copper. The diminutive is used as in χρυσίων, ἄργυρων, meaning a piece of the metal as distinct from its nature as bullion. Some difficulty has been raised as to the meaning of the 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 which each dicast received on entering the court (Boeckh, P. E. p. 235). The sense here is quite simple, if we suppose ωσπερ ἀλλω τωι to mean any other common article or chattel that could be distinguished by the owner’s private mark. If there are two persons called Mantitheus, only a special mark on the lot (which would be informal) 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 vii 175, each of the nine Greek heroes, in drawing lots for single-combat with Hector, scratches a mark on his own lot, with a view to its identification, κλήρον ἐσημήναντο ἐκαστος, and ib. 187, ἐπιγράφας κυνεβάλε. Here, the χαλκια are apparently small plates of bronze, identical with πινάκια of § 12. Thus, each person eligible by lot for any κληρωτῇ ἄρχῃ (like that of θεσμοθέτης) would have his full name (e.g. Μαντίθεος Μαντίον Θερίκος) inscribed on a separate χαλκια; these χαλκια would be put into an urn or other vessel and then drawn by the superintending officer. S.]
oúmevou; ὧς πᾶσα ἀνάγκη συμβαίνειν, ὅταν ἄρχης ἡ τινος ἄλλοι πρὸς ἡμᾶς αὐτοὺς ἀμφισβητῶμεν. τί δὲ, 12
998 ἀν ἄρα (δεὶ γὰρ ἀπανθ ἡμᾶς ἐξετάσαι) ἀτερος ἡμῶν πείσας τὸν ἔτερον, ἐὰν λάχη, παραδοῦναι αὐτῷ τὴν ἄρχην, οὕτω κληροῦσαι; τὸ δυον πινακίων τὸν ἕνα κληροῦσαι τί ἄλλα ἐστὶν; εἰτ' ἐφ' ὃ θάνατον ζημίαν ὁ νόμος λέγει, τοῦθ' ἡμῖν ἀδεως ἐξέσται πράττειν; πάνυ γε' οὐ γὰρ ἄν αὐτὸ ποιήσαιμεν. οἶδα κἂν, τὸ γενὸς κατ' ἐμὲ ἀλλ' οὐδ' αἰτίαν τοιαύτης ζημίας ἐνίος ἔχειν καλὸν, ἐξὸν μή.

tions;' 'mutual imputations.'
12. ἀν ἄρα] Si forte. Hence the parenthetic clause is added.
δυον πινακίων] Kennedy translates, 'and what is this but one man balloting with two balls?' But this involves a confusion between appointment by drawing lots, which is here meant, and election by tacita suffragia or ballot, which was rarely resorted to (see Schömann 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. πινάκαι· τὰ καθέμενα ἀντὶ κλήρων ύπὸ τῶν κληρουμένων ἐσκε ν' εἶναι ταὐτὰ χαλκᾶ ἐς ὑποσημαίνει Δ. ἐν τῷ περὶ ὀνόματος. The lexicographer is doubtless here referring to τῷ χαλκῷ in § 10. Cf. Photius, πινάκιοι σύμβολον δικαστικῶν, χαλκοῦν ἢ τύχων. S.] At other times the bean, κάμαρος, was adopted. Cf. Hdt. vi 109 ὁ κισάρῳ λαχῶν, and Thuc. viii 69 ὁ ἁπὸ τοῦ κισάρου βουλευταλ. Hence Δῆμος is called κισαμοτρῶς, Ar. Equit. 41. Hesych. κάμαρος ὁσ-

προὶ ὃ ὁ κλήρος.

ἐξὸν 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 ταῦτ' εἰς οἰκιᾶν ἐλθὼν ἐπὶ δειπνον, ἵνα μη βαδίζων ἐξόν αὐτῷ. Ss. § 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 remains 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 archon'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 report circulated about 'Mantisheus.' (6) Or if he should be indicted for refusing to serve in the army, and make some such lame excuse for staying at home.
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. Ἀλλὰ ταῦτα μὲν ἡ πόλις βλάπτεται: ἐγὼ δ' ἰδία τί; θεάσασθε ἡλίκα, καὶ σκοπεῖτε ἀν τι δοκῶ λέγειν' πολὺ γὰρ χαλεπώτερα ταῦτα ὅν ἀκηκόατ' ἐστίν. ὀρᾶτε μὲν γὰρ ἀπαντεῖς αὐτὸν χρώμενον, ἔως μὲν ἔξη, Μενεκλεῖ καὶ τοῖς περὶ ἐκεῖνον ἀνθρώποις, νῦν δ' ἔτεροις ἐκείνου βελτίσσων οὐδέν καὶ τὰ τοιαῦτ' ἐξηλωκότα καὶ δεινὸν δοκεῖν εἶναι βουλόμενον καὶ νὴ Δία ἵσως ἔστιν. ἀν οὖν προϊόντος τοῦ χρόνου τῶν αὐτῶν τί ποι-

8 Bekk. om. Z cum pr. Σ.

clever in his own sense of the word, i.e. πανοφραγος. Plat. Theaet. p. 176 ν, τῷ οὖν ἄνθρωποι καὶ ἄνδραι λέγοντι ἀριστοντι μακρῷ ἄριστον' ἔχει τὸ μή συγχωρεῖν δεινῷ ὑπὸ πανοφραγος 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 ἠρτοπες as to the σοφόται. The meaning is, that the man may imitate his worthless companions and turn συν-κοφάντης 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. γραφαὶ] Public indictments of any sort.—φάσεις, presentations or prosecutions for importing or exporting or possessing contraband goods. The bringing of this action is called φαίνειν in Ar. Ach. 819, 908. So εἰσειδικνώναι, εἰσαγγέλλειν, 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, ἐνδείξεις, may be approximately rendered 'fiscal and criminal informations.' Prof. Kennedy.]

ἐνδείξεις] Actions for holding any office when a person was legally disqualified by being ἄτως, or a public debtor (Timocr. p. 707). Lex. Rhetor. Cant. ἐνδείξεις φάσεως διαφέρει, ὅτι τὴν μὲν ἐνδείξειν δόνται ἀντιλε- γενήθαι, οἷον, ἀνέδειξεν (I. ἐνδείξειν) Ἀριστοτείτων Δημοσθένησ, ὅτι λέγει ὁ φάσκον οὐκ ὁφείλει (ἡ. ὃτι λέγει, φάσκων οὐκ ὁφείλει, 'allleging that he has no right to speak in the assembly'), φάσις δὲ ἐστὶν ὅταν φαίνῃ τῶν δημοσίων ἐχοντά τινα μὴ προϊόμενον (πρα- μενον).—ἀπαγορεύω, '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 σαυτῷ πιστεύεις ἀπαγέ: ἐν χιλαίς δ' ὁ κόινος. Timocr. Or. 24 § 146, ὅσιον ἐνδείξεις ἐστὶν ἡ ἀπαγορεύ. See Boeckh, P. E. p. 389.

[Pollux: ἐνδείξεις δὲ ἢν πρὸ τῶν ἄρχοντα ὁμολογούμενον ἀδίκη- ματος μὴν εἰς κρίσεως ἄλλα τιμωρίας δεομένοι...καὶ αὕτη μὲν γίγνεται περὶ τῶν ὑποδικών, ἡ δὲ ἀπαγωγή ἅπαν ταῖς ὄν ἔστιν ἐνδείξασθαι μὴ παρὰ, τοῦτο παράντα ἐπὶ αὐτοφώρῳ λαβῶν ἀπαγάγη...μᾶλλον δὲ τοὺς ὁφεί- λοντας τῇ δημοσίῳ ἐνδείκνυσαν ἡ τούς κατιόντας ὑπὸ μὴ ἑξεστὶν, ἡ τοὺς ἀνδρόφωνος (vpp 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.'

ἐγγεγραμμένος] Entered in
The Buttmann's Ore. i^/ye'y (inf. because, Should was — ]
sequences. which the Boeckh, 
mism entered paid; which It said) public from mine?'
will be in the register of debtors to the 
public treasury, as not having paid the fine. Cf. Or. 53 § 14, 
ἐγγράφει τῷ ὄρθοσὶ ἐξακοσίας καὶ δέκα δραχμάς.—οὐ τι, 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 συκοφάντως, 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 δείλθη. See Boeckh, p. 391.

δέλθη] Hesychius χρεώστη-μα. The word is formed as if from ὀφλέω, a secondary present from the aorist ὀφλέων, like εἰδήσω from εἶδων, ἐνυπήσω, χαρισμήσω from ἐνυπεῖν, χραισμεῖν, τυχήσω from τυχεῖν (inf. § 25), παρασχήσω from παρασχεῖν. Photius (Lex. in v.) says the Attics wrote ὀφλεν, not ὀφλέων.

δίκην ἐξουλῆς] 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 ἐξουλη, from ἐξειλεῖν, ἐξεἴλευν, ἐξεἴλλευν, properly meant 'the keeping of another out of his rights'; and the action of ἐξουλη was brought against the person guilty of the act. So Demosthenes served Mīdias with this process when he refused to pay the fine for κακι-γγoria, Mid. p. 540. As for the form of the word, the root ἔελ (ἔλευν, ἔλλευ, pilus, wool, &c.) passed into ὄλος, used of crisp or closely compacted hair, by the influence of the ὅ. The forms ἔλλος, ἔλλεσθαι (Soph. Antig. 340), ἔλλαιδες (our willows perhaps), in Π. xiii 572, ἔξελ-λευν, Or. 37 § 85, all point to the original idea of close packing or pressing together. From the form of the root with (dropped) sibilant instead of the ὅ, came silva, Sila, ἡλη, probably ἡλη from the dense growth, Compare Scapestula for σκαπτή ἡλη. In Or. 30, πρὸς Ὄνυθορο ἐξουλης, 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.]

μιδᾶν ἐμοί 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 Māntithēus, why should he have his name written more than mine?' Kennedy translates 'suppose a man sues him in eject-ment, 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 εὔπης is somewhat uncertain, for we do not know all the circumstances of this peculiar action.

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

Δίκην ἄστρατειάς] '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, τάς στρατείας μὴ ἄστρατεύμενος. Dem. Or. 24 § 108, ἄν ἄστρατειας τις ὀφλή...τοῦτον διδέσθαι. The Roman detrectatio militiae, Livy π 69. S.] This was but slightly different from either δείλας φεύγειν, Ar. Ach. 1129, or λιποστρατίου, λιποταξίου, Mid. p. 548. In these latter cases there was generally actual desertion or running away from the ranks. [In Dem. 24 § 119, we have τούς ἄνδροφόνοις, τοὺς ἄστρατεύτους, τοὺς λεπτούς τὰς τάξεις, and in Aeschin. 3 § 175, ὁ Σδέλων ἐν τοῖς αὐτοῖς ἐπιτιμῶν ὑπό δείν ἐνέχεσθαι τὸν ἄστρατευ- тον καὶ τὸν λεωπότα τὴν τάξιν καὶ τὸν δείλον ὀμοίως. The 14th and 15th Orations of Lysias, in prosecution of the younger Alcibiades, are entitled λιποσταξίαν and ἄστρατειάς respectively. Such prosecutions were instituted by the ten generals, or (perhaps, though the next section scarcely proves it) by the ταξιαρχοί, and were public indictments (γραφαὶ) 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 Schömann, Attischer Process p. 364.) S.]

eis Ταμύνας] A town in Euboea where the Athenians led by Phocion gained a victory over Callias tyrant of Chaleis, B.C. 350. In Mid. p. 550 and 553 mention is made of the slightly later expedition to Argyae in Euboea, and the cowardice of Midias in the matter, and his complicity with Plutarchus, tyrant of Eretria. [Demostenes 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 Meidias he was threatened with an indictment for deserting his post (Or. 21 §103, ἐγράψατο λιπταξίου). The expedition seems to have taken place late in February, and in March we find Demosthenes choregos at the Dionysia (when he was brutally insulted by Meidias); 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.) S.] παρῆλθον 'Entered'; so ὅτε Ἀλεξάνδρος παρῆσε ἐς Θῆδας, Or. 34, p. 918, and frequently δό-μους 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 παρείναι is ‘to admit,’ ‘to allow to pass in,’ Eur. Heracl. 153, Suppl. 468, Plat. Phaed. p. 90 e. [Pro- ficisci aqmine jacto, castra move- vere, 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. iii 86 τὸ στρατο- πεδον εἰς τινὰς δύσχωρίας κατα- κεκλειμένον. S.] τοὺς χώας] 'He was left at home keeping the feast of the χώας' (the feast of flagons,' the second day of the Anthestheria). [Harpocr. δημοσθένης ἐν τῷ περὶ τοῦ δύ-ματος. ἑορτὴ τις ἡν παρ' Ἀθηναίων ἀγομένη Ἀνθεστηριάν (half of February and March) ὀδωδέκατη. φησὶ δὲ Ἀπολλόδωρος Ἀνθεστηρία μὲν καλεῖται κοινῶς τὴν ἄλλην ἑορτὴν Διονύσου ἀγομένην, κατὰ μέρος δὲ Πιθογια, Χώας, Χέριον. S.]—ἐχόρευν, '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 campaigning.'

ἐὼρατε κ.τ.λ.] Dem. himself was choreus at this festival. Cf. εἰς Ταμύνας n. S.] λιπταξίου] 'for desertion'; here applied to the offence com- mitted 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. Lipsius. See Wayte on Timocr. § 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 Μαρτιόν, made the subject of an
action in consequence of his brother's cowardice. But the taxiararchs are themselves accused of being runaways in action, φεύγων πρῶτος, Pac. 1177, so that perhaps the action here mentioned as a monstrous case was not wholly without precedent.

ei 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 ἁδοκος καὶ δασαναρός.—Each of the dicas received three obols a day, and each court consisted of at least 500 dicas, involving an expenditure of 250 drachmæ, or about £10 daily. S.]

18. τῶν ἐχῖνων] The ἐχῖνω were cases or vases for holding documents and affidavits, generally in connexion with appeals against arbitrations (Or. 48, p. 1108, τὰ ἀντίγραφα ἐμβαλόντα εἰς τὸν ἐχῖνον). 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, ἐχρήν αὐτὸ τὸ γραμματεῖον εἰς τὸν ἐχῖνον ἐμβάλειν. 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.—μάρτυρις, perhaps μαρτυρίας, i.e. written evidence.

ζενίας] 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.

οὗτω 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.
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 ap-
ppearing 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 Taxiarχ,
§ 17. Or. 40 § 34. The geni-
tive is used like ἐγκαλεῖν τινος,
to lay claim to a thing.

20. συμβαίνοντα] 'What ac-
tually does occur;' or 'is every
day occurring.'
"Well, now, even if there were no such disagreeable consequences of these disputes, and if it did not prove so absolutely impossible for us to have the same name, yet surely it would not be fair for him to have his share of the property by virtue of the adoption which my father made, because he could not help it, but for me to be deprived of that name which he gave me of his own accord and under constraint from no one." The antithesis between the reluctant and the voluntary act is rather forced; but antithesis was the soul of ἀντιθετική.

"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. Aves 922, οὐκ ἄρτι δόθω τὴν δεκάτην ταύτης ἐγώ; καὶ τοῦνω μὸνος παιδίω νῦν δὴ θέμην. See Becker's Charicles π 6, or p. 219 of English Abridgment, and Hermann, Privatalt. § 32, notes 15 and 16 = p. 283 ed. Blümner. S.]

§ 21. 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.'
de Boiworton eis tois frateras, ἥνικ' ἡναγκάσθη, ἐνεγραφεν ὁ πατήρ: ἥδεως τοῖνν ἐροιμήν ἀν αὐτῶν ἐναντίον ὤμων' εἰ μη' ἐτελεύτηςεν ὁ πατήρ, τί ἂν ποτε ἐποίεις πρός τοῖς δημόταις; οὐκ ἂν εἰχασ σε αὐτῶν a ἐγράφειν Boiworton; ἀλλ' ἂττοπον δίκην μὲν λαγχάνειν τοῦτον, κωλύει δὲ πάλιν. καὶ μὴν εἰ' γ' εἰχας αὐτῶν, ἐνεγραψεν ἂν σε εἰς τοὺς δημότας, ὅπερ εἰς τοὺς φράτερας. οὐκοῦν δεινόν, ὅ γη καὶ θεοί, φάσκειν μὲν 1001 ἐκεῖνον αὐτῶν πατέρα εἶναι, τολμᾶν δ' ἄκυρα ποιεῖν ἃ ἐκεῖνος ἐπραξέξει ᾽ξών. 22 'Ετολμα τοῖνν πρός τῷ διαντήτη πράγμα ἀναιδέστατον λέγειν, ὡς ὁ πατήρ αὐτῶν δεκάτην ἐποίησεν ὡσπερ ἔμοι καὶ τούνομα τοῦτ' ἔθετο αὐτῷ, καὶ μάρ-

a σὺ αὐτῶν Z eum pr. Σ. σεαυτῶν Bekk.

ε αὐτῷ Z.

ἤνικ' ἡναγκάσθη] opposed to πάντα τοῦν χρόνων, i.e. 'and that not till he was forced.'

πρὸς τοῖς δημόταις] 'At,' or in presence of, 'the members of the ward in which you were to be enrolled as a citizen.'—οὐκ ἂν εἰχας, 'would you have objected to his registering you as Boeotus? But surely it is strange conduct first to bring an action for this, and then afterwards to try to prevent it. And yet, if you had let him, he would have entered you by the same name among the wards-men as he had before into the phratries.'

φάσκειν] 'Is it not a shame for Boeotus to be always saying that Mantias (ἐκεῖνον) was his father, and yet to presume to make null and void what Mantias effected in his lifetime?' viz. the enrolment of Boeotus under that name.

§§ 22—1. Boeotus told the arbitrator that his father had named him Mantithesus 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.

αὐτῷ] Construe with δεκάτην. Hesych. δεκάτην θύμοι. τῇ δεκάτῃ ἡμέρᾳ τὰ ὀνόματα τοῖς βρέφεσιν ἐτίθεσαν ὦ δὲ Ἀριστοτελῆς τῇ ἐβόλυκῃ φροσ. Of course, the inference is, that if he kept the tenth day after the birth, it was because he acknowledged the child.
τυράς τίνας παρείχετο, οίς ἐκεῖνος οὐδεπώτοτε ὑφη χρώμενος. ἐγὼ δ’ οὐδένα υμῶν ἁμοίων οἴμαι ὅτι οὔτ’ ἂν ἐποίησε δεκάτην οὐδεὶς παιδίου μὴ νομίζων αὐτοῦ δικαίως εἶναι, οὔτε ποιήσας καὶ στέρξας, ὡς ἂν νίον τίς στέρξαι, πάλιν ἔξαρνος ἐτύλμησε γενέσθαι. οὐδὲ 23 γὰρ εἰ τῇ μητρὶ πρὸς ὀργὴν ἤλθε τῇ τούτων, τούτως ἂν ἐμίσει, νομίζων αὐτοῦ εἶναι πολὺ γὰρ μᾶλλον εἰσόθασιν, ὡς ἂν ἐαυτός διενεχθῶσιν ἰνήρ καὶ γυνῆ, διὰ τούς παίδας καταλλάττεσθαι ἡ δ’ ἂν ἀνʼ ἀδικηθῶσιν υφ’ αὐτῶν, τοὺς κοινοὺς παιδὰς πρὸς μισεῖν. οὐ τοῖνυν ἐκ τούτων ἐστὶν ἰδεῖν μόνον ὧτι ψεύσεται, πάντ’ ἂν λέγῃ, ἀλλὰ πρὶν ἡμέτερος φασκεῖν συγγενῆς εἶναι, εἰς Ἱπποδωντίδα ἐφοίτη φυλῆν εἰς παίδας χορεύσων

οἴμαι Ζ.

καταλλάττεσθαι Bekk. st. cum Σ. διαλλάττεσθαι Bekk. 1824 cum libris ceteris (cf. Or. 40 § 29).

Bekk. δ’ ἂν Ζ (δ’ ἂν Σ).

προσμεῖν Ζ. Cf. Or. 37 § 49.

ὁς ἐκεῖνος κ.τ.λ.] Or. 40 § 28, οὔτος γε εἰς τούτο τοῦλης ἤκει ὡστε φησὶ τῶν πατέρα μου δεκάτην ὑπὲρ αὐτοῦ ἐστιάσας καὶ περὶ τούτων μονὸν Τιμοκράτους καὶ Προμάχου ἐμβεβληταί μαρτυρίας, οὐ οὔτε γένει προσήκουσι μου τῷ πατρὶ οὐδὲν, οὔτε φίλου ἡσαν ἔκειν.

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 ἤλθε] The tragic phrase is ἐθέλειν δ’ ὀργή, δ’ ἔχθρας, &c. The argument here is in answer to the allegation that Boeotus was repudiated by the father in spite to the mother.

πολὺ 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 τοὺς παίδας must be carefully distinguished from διὰ τῶν παίδων, 'through the agency (or medium) of their children.'—ὡν ἂν, sc. ἐκείνων (or τῶν) ἂ, &c. The genitive depends on the sense of καταλλάττεσθαι, as Soph. Aj. 744, θεοίσιν ὡς καταλακτῆς 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 καίτοι τίς ἂν ὑμῶν οἴεται τὴν μητέρα πέμψαι τούτων εἰς ταυτὴν τὴν φυλὴν δεινὰ μὲν, ὡς φησιν, ὕπο τοῦ πατρὸς πεπονθηκάν, δεκάτην δ’ εἰδώλων πεπονθηκότα ἐκεῖνον καὶ τάλιν ἔξαρην ὑντα; ἐγὼ μὲν οὐδέν ἂν οἴμαι. εἰς γὰρ τὴν Ἀκαμαντία ὄμοιώς ἐξῆλθον τοι θεο-τάν· καὶ ἐφαίνετ’ ἂν οὐσ’ ἀκόλουθος ἡ φυλὴ τῇ θέσει τοῦ ὁνόματος. οὐς τοίνυν ταῦτ’ ἀληθῆ λέγω, τούτων μάρτυρας ὑμῖν τοὺς συμφοιτῶντας καὶ τοὺς εἴδότας παρέξομαι.

ΜΑΡΤΤΡΕΣ.

25 Οὕτω τοίνυν φανερώς παρὰ τὸν τῆς αὐτοῦ μη-τρὸς ὅρκον καὶ τὴν τοῦ δόντος ἐκεῖνη τὸν ὅρκον εὑ-
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.'—τετυχηκός, an Ionic and Homeric form, as if from τυχέω, a secondary present from the aorist τυχέω (see on § 15), retained its place even in the later Attic. But the regular Attic future is τευχομαι, e.g. Or. 37, fin., εί μη τών δίκαιων ἐγώ παρ' ὤμων τευχομαι. τευχόμαι occurs in Mid. § 150.—γεγονός, cf. sup. § 18, ἐπειδ' οὖτω γεγονός οὖτος ὁχληρός ἦ.

πρὸς αἧς] i.e. πρὸς ἐκεῖνας ἄσ, where ἄσ is a cognate accusative after ἐσυκοφάντει. 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 φαίλος. [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. § 60, λέγε δὴ μοι τὰς μαρτυρίας, τίς ἐγώ...ἀνθρώπος εἰμι, followed by τοιοῦτος...ἐγώ.—For Mantias' character as an indifferent man of business cf. n. on ὑπόθεσις, l. 1. S.]

ἐπ' αὐτοφωρῷ] sc. ὅτα συκοφάντην. '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. εάν τι οὖτοι τῶν πατρῴων ἐπιζητῶσι, Or. 40 § 15.

δο' οἰκίας] A wife seems only to have insisted on the mistress living apart. Hence Deianira's grievance in Soph. Trach. 376, τίν εἰσδέχεμαι πηγημὼν ὑπόστεγον λαθραῖον; and ibid. 537, κόρην γὰρ—παρεισδέχεμαι φάρταιν ὡστε ναυτίλοις.—τοιοῦτος ὄν, i.e. οὖτω 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 would not have been sent to the tribe Acamantis at all.

ἐπηρέαζεν] So Hor. Epist. π.1, 244, 'Boeotium in crasso iurares aere naturam.' Pind. Ο. ντ 90, Βοιωτίαν ὤν. Cf. Mid. § 14, καὶ παρηκολούθησε παρ' ὄλην τὴν λειτουργίαν ἐπηρέαζεν μοι συνεχῶς.

πιὸς πατρὸς καλ. The son usually took the name of the grandfather on the father's side. [Cf. Or. 40 § 6, where Cleon's name is given to his grandson. Arist. Aves 282 Ἶπφωνίκος Καλλάς Λίος ἐξ Ἶπφωνίκου Καλλάς. Νυμ. 65, ἐγὼ δὲ τοῦ πάππου ἱδεμὴν Φειδωνᾶν. (See Becker's Charicles π 7, or p. 219 of English Abridgment.) Similarly the kings of Cyrene were named Battus and Arcesilas alternately for eight generations. S.]

οἶδα τοῦτον...ὅρων] 'I remember seeing him, quite casually as one would any other (i.e. not at all as a brother), much younger than myself, to judge by his look.'

tοῦτῳ] i.e. the argument from mere appearance.

28. τῆς φιλῆς τῆς ἔμης] The genitive appears to depend on ἄμφισβητέων to be supplied from 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...
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 δοκομαία), 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.

πάππος τοῦ ἐμοῦ ἡμιφισάτητες; ἐτι δ', ὥ ἀνδρεὶς Ἀθη- 29 ναίοι, τὸν μὲν τῶν ἐτῶν ἀριθμὸν οὐδεὶς οἴδειν ὕμων ἐγὼ μὲν γὰρ ἐμοὶ πλείονα, οὕτως δ' ἐαυτῷ φήσει τὸν δὲ τοῦ δικαίου λόγον ἀπαντεῖ ἐπίστασθε. ἐστὶ δ' οὕτος τίς; ἀφ' οὐ παῖδας ἐποιήσατο τούτους ὁ πατήρ, ἀπὸ τούτου καὶ νομιζέσθαι. πρότερον τοῦς ἐμὲ εἰς τοὺς δημότας ἐνέγραψε Μαντίδον, πρὶν εἰσαγαγεῖν τοῦτον εἰς τοὺς φράτερας. ὥστε οὐ τῷ χρόνῳ μόνον, ἀλλὰ καὶ τῷ δικαίῳ πρεσβείου ἐχομὲν ἀν ἐγὼ τούνομα τοῦτ' εἰκότως. εἰεν. εἰ δὲ τις σ' ἐροιτὸ ἐς μοι, Βοιωτὲ, πόθεν 30 νῦν Ἀκαμαντίδος φυλῆς γέγονας καὶ τῶν δήμων Θερίκιος καὶ νῖός Μαντίον, καὶ τό μέρος τῶν ὑπ' ἐκείνου καταλείβθεντων ἑσεῖς; οὐδὲν ἀν ἀλλ' ἑχοῖς εἰπεῖν πλὴν ὅτι κἀκεῖ ἀν ἐποίησατο Μαντίας. τὶ τεκμηρίου, εἰ τις σ' ἐροιτό, ἡ μαρτύριον ἐστὶ σοι τούτου; εἰς τοὺς φράτεράς με εἰσήγαγε, φήσειας ἀν. τί οὖν σε ἐνέγρα-

1 ἡμιφισάτεις Ζ.

n τὸν δήμον Bekk. 1824.

m σ' ἐροιτὸ τις Ζ cum Σ.

o Bekk. cum rA'B. kai ἐμὲ Ζ.

dates of our registration.'

πρεσβείων The prerogative of primogeniture. Or. 36 § 35, πρεσβεία τὴν συνοικίαν ἐλαβε κατά διαθήκην.

§§ 30, 31. Boeotus claims citizenship and a share of the property by virtue of his registration. But he was registered by the name Boeotus; and it would be ungrateful in him to disown the name now which conferred such privileges on him.

φυλῆς γέγονας As sup. § 25, εἶν Ἀκαμαντίδι φυλῆ γέγονος—τῶν δήμων, lit. 'Of the demi, a member of that called Thoricus.' [τῶν δήμων, the reading of Σ, is supported against τῶν δήμων by Plato, Euthyphro 2 ν, τῶν δήμων Πιθέως. 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 Mantitheus.

§ 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.
Maudiheou, oútow touton eiságei Bouótow, tôn idelephiou dé autòu Pámphilou. ëtei sv deíxouóstis 'Athenvaiow tauton énoma tois autòu paiwín ëtheo duôn. kán deíxhs, égws svnýxorísw di' ëpíreián soi touto toúno matha ësthai touto patéra. kaiotó ei' ge toioütos 33 ësba ñste poiýsasai méw suautón anagikássai, ëx ñton ð' àrësais ékeínow trótopo mu' skopeiwn, ouk ësba óion deí touto prosoikounta einai peri touz gnonéas, ouk ouin de ouk ëpíreaiózu dikaíos àn, álla 'apòlwleis. ñ deinóù ñ' än eíh, eí kata meû touto upó touto patróu autóu nomiýmoww paiûdow oui peri toutou gnonéwos ísgýsouvai nómuoi, kata de toutous eisbíaiýmoww akontas poiýsathai akuroi genvíssontai.

9 'apòlwleis Z.

ëtei sv deíxou] 'Else, you must prove.' For this use of étei implying a suppressed clause, e.g. 'if you deny it,' cf. Soph. El. 352, ëtei ðídazh, and Ar. Vesp. 72, ëtei tóspázet. S.]

33. kaiotó k.t.l.] 'And yet, if you were so perverse as to compel your father to adopt you, and yet not to consider how you might please him, you did not behave as so near a relative should do towards his parents; and as you did not, you deserved to be not only spoken of with contempt, but even to be put to death. For it would be hard indeed, if the laws about parents are to be in force against those who are recognised by the father himself as his sons, but are to become null and void against those who force their fathers to adopt them against their will.'

ëkeíno] Of a deceased person this is used where autò would have been used of one living. See on Or. 40 § 28. 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,' ékei, viz. in the other world, opposed to ouïos, 'here before us.'

óion k.t.l.] Construe oíon deí einai peri ñ. ñ., as a man is said to be dikaíos peri pólu, &c.

nómuoi] 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, to ãròtekontwos sébas, tríton tódo 'en thesmoís díkas ãgýraptai megistotímos. In Ar. Vesp. 377, mì patein tâ tain ãeíavn ën ëfísmata refers to this, but ën ëfísmata stands for some other word like muosthíma.

eisbíaiýmoww] This is used for anagikáontwv 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, 'Αργείος, οὐκ Ἀργείος, γραγκαμένος, and ὁ μὲν γὰρ οὐκ ᾧν ἄστος ἐσβιδέστα, Ar. Av. 32. ['Those who force their parents to adopt them against their will.' Prof. Kennedy.]

§ 34. Do therefore, most troublesome 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.

ἄλη, ὁ χαλεπώτατε Βοιωτὲ] Hermogenes ζερίδεω, 1 11 p. 325 Spengel: οὕτε τραχύνητι οὕτε σεμφόνητι οὕτε λαμπρότητι οὕτε ἀκομὴ χρῆσιτον ἀν τις ἀκρίβος ἐν ἰδιωτικοῖς συροδρότητι μέντοι ἑστώ ὅπως, καὶ ταύτη μετὰ ἥθους τινός, ὃς ἐν τῷ, ἄλη, ὁ χαλεπώτατε Βοιωτὲ, δύναται χρῆσθαι. S.]

οὐκ οὖν ἐγιγνα, ζής ἐπεμβάλων χθονός, οὐδ' εἶ τά πάντων ἐξον ἐνδικύστα, οὐθ' εἶλκον οὐτ' ἀν ἤγον.

ἐπιβουλεύσα, κ.τ.λ.] 'If you go on plotting thus,' &c. So κλάη καὶ δόθησαι inf. — ὡς οὐ προσήκονες, i.e. as not properly your own,—as not belonging to you. There may have been a saying, that money badly acquired was generally badly spent [cf. Cic. Phil. 11 65 'male parta male dilabantur']. 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 τὸ τῆς φύσεως βάρβαρον ἀληθῶς καὶ θείως εἴχρον ἐλκει καὶ βαξέται, καὶ φανερὸν ποιεῖ τοῖς παρωσίων ὥσπερ ἀλλοτριοῖς, ὅπερ ἑστώ, αὐτῶν χρύσεων.

§§ 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 Mantitheus who forced his father to adopt him.

ei tа μάλιστα] 'If ever so much,' i.e. if it is ever so true that your father declined to acknowledge you though you were his son.

ου γάρ] i.e. I might have wronged you if his recognition of you had depended on me.

ιερων, δασίων] 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 λησταρχίων. So Timocr. p. 703, § 9, των ιερων μεν χρημάτων των θεων, των δασίων δε την πόλιν ἁπαστερεῖ. Thuc. ii 52, ἐσ διαγωραν ἐτράποντο καὶ ιερων καὶ δασίων ὀμοίως.

α μεν αν 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, τοι μεν λεγομένου μη πιστευετε, ἕκειν δε ὑπολαμβάνετε, ὅτι οὐδὲν ἔστι αὐτῶ ήττον δικήν λαμβάνειν Βοεωτῶ κληθέντι. τι ουν φιλονεικεῖς; μηδαμῶς; μη 36 ἔχε οὕτω πρὸς ἡμᾶς ἐθελέχθρως: οὐδὲ γάρ ἐγὼ πρὸς

[s] οὐκ ἀδίκω Bekk. 1824.  
1 κλαίη Z. Cf. Veitch, Greek Vbs.

αν μεν Z (αν μεν Σ).  
v τοῦτον Z cum ΣτΑ1.

w τοῦ νυν Z. νυν Bekk. st. cum rΑ1.

36. ἐθελέχθρως] 'Wishful of enmity.' A singular and rare compound. The adjective is quoted from Cratinus (Frag. incert. 103). A word of similar character is φιλαπεχθήμων, in Timocr. p. 701 § 6.
XXXIX. ΠΡΟΣ ΒΟΙΩΤΩΝ [§§ 36—39

σε, ἐπεὶ καὶ νῦν, ἥνα μηδὲ τούτῳ λάθη σε, ὑπὲρ σοῦ λέγων μᾶλλον, ἀξιῶν μὴ ταύτων ἔχειν ὄνομα ἡμᾶς, ἡ ἐμαυτοῦν. εἰ γὰρ μηδὲν ἄλλο, ἀνάγκη τὸν ἀκούσαντα ἐρέσθαι πότερος, δ' ἄν ὦσι Μαντίθεοι Μαντίου. οὐκ-οὖν, ὃν ἡμαγκάσθη ποιήσασθαι, σε ἄν" λέγη, ἐρεῖ. τι οὖν ἐπιθυμεῖς τούτων; ἀνάγνωθι δὲ μοι λαβῶν δῦο ταντασὶ μαρτυρίας, ὃς ἐμοὶ Μαντίθεον καὶ τούτῳ Βοιωτῶν ὥς παθή ὄνομ᾽ ἔθετο.

ΜΑΡΙΤΡΙΑΙ.

37 Λοιπὸν ἡγούμαι τοῦθ᾽ ὑμῖν ἐπιδείξαι, ὡς ἄνδρες Ἀθηναίοι", ὡς οὐ μόνον εὐφρήσετε, ἄν ἂ ἐγὼ λέγω ψηφίσησθε, ἀλλὰ καὶ ὡς οὗτος αὐτὸς αὐτοῦ κατέγρω Βοιωτόν, ἀλλ' οὐ Μαντίθεον ὄνομα δικαίως ἄν ἔχειν. 1006 λαχῶντος γὰρ ἐμοὶ τὴν δίκην ταύτην Βοιωτῶ Μαντίου Θορικίω, ἔξ ἀρχῆς τ' ἤπτηδικεὶ καὶ ὑπώμυντο ὅς ὰν

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The page contains a discussion on the inconveniences and causes of reproach as described in §§ 36-39. It explains the important texts cited and references to other sources. The page also discusses the name changes and actions taken by Boeotus and Mantitheus. The text is in Greek and English, with footnotes providing additional information. The page is from a work that is cited as a reference in the text.
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 τὴν 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, ἀλλὰ τὴν μὴ οὕσαν ἀντιλαχεῖν αὐτῷ ἔχειν δῆσον. [Pollux: ὅπως τις παρὰ διαιτησίας παραγραφάμενος καὶ ὑπομορέσμενος νῦσον ἡ ἀπόσημαι, εἰς τὴν κυρίαν μὴ ἀπαντήσας ἐρήμην ὁδὴν, ἔχειν ἐντὸς δέκα ἡμερῶν τὴν μὴ οὕσαν ἀντιλαχεῖν, καὶ ἡ ἐρήμη εὐέστατο, ὡς ἔχει ἀρχῆς ἔλθειν ἔπι διαίτησιν (viii 60). (Hudtwalcker über die Diæteten, p. 99 ff.) S.]

38. προσαγορεύσας] See note on Isocr. Paneg. § 25, προσεπείν. S.]

εἴσε ἀρχῆς] 'He ought to have let me get the original action to go against Boeotus, if he had no claim to the name at all, and not to come forward himself afterwards to ask for a new rule by this name.' Compare a similar argument in Or. 40 § 18.

The subject of τελέσασθαι seems to be ἐμέ. Kennedy translates, 'he should in the first instance have allowed the suit to proceed to its termination against Boeotus.' But it may be suggested that τετελέσθαι is the true reading. Cf. Or. 38 (πρὸς Νανομ.,) 18, δεινὸν ἅν εἶη εἰ — εἰκοστῷ ὑνί ἐτεί δικήν τελέσασθ᾽ ῥήμας.

τὶ ἄξιωσε κ.τ.λ.] 'What verdict will he expect you on your oaths to give?' I.e. it is not very likely you will decide that he ought to be called Mantitheus.

§ 39. If he can show a law that gives children a right to name themselves, then you will
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? To erase it from the list of citizens. So Cleon is said in making a certain speaker áτιμος, τὸν Γρόττον ἐξελείψαι, Ar. Equit. 877. So also Or. 37 § 34.—ἀποκηρύξει, ἀπετεῖν, 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.

['Réroquer publiquement,' ἀποκηρύξει signifies mei tout simplement la proclamation par la voix du héraut. Les lexicographes donnent encore à ce mot un autre sens, celui de la répudiation du fils par le père. Mais voyez à ce sujet les judicieuses observations de Van den Es, de iure familiaum 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.


τέθειται] In the usual medial sense. Cf. ὑπόθεσις 1. 23 n.—ὁ μήτωρ κ.τ.λ. 'cui nondum sint liberi.'
θήσεται; οὐδεὶς δῆπτον. οὐκοῦν ὁ δίκαιον τῇ γνώμῃ τοῖς ύμετέροις αὐτῶν παισὶν ύπειλήφατε, τοῦτο καὶ περὶ ἡμῶν εὐσεβέσι γνῶναι. ὡστε καὶ κατὰ τὴν δικαιοτάτην γνώμην καὶ κατὰ τοὺς νόμους καὶ κατὰ τοὺς ὄρκους καὶ κατὰ τὴν τούτου προσομολογίαν ἐγὼ μὲν μέτρια ύμῶν, ὁ ἄνδρες Ἀθηναῖοι, δέομαι καὶ δίκαια ἀξίω, οὗτος δὲ οὗ μόνον οὐ μέτρια, ἀλλ' οὐδ' εἰσθότα γέγρεσθαι.

*e тίς—θήσεται in margine a correctore additum habet Σ, om. Ζ.

41. εὐσεβέσι 'Your duty in accordance with your oath.' For this technical sense, see the note on Eur. Med. 755. Ηππ. 656, 1309 (P.).

τῆν 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 decide by that sense, and the defendant'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, συγκεχωρηκέναι τὸ τρίτον νείμασθαι 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 πρώικα, or dowry.
the same sum, \( \tau \nu \iota \sigma \nu \pi r\omicron o\iota \kappa \alpha \)', 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 (\( \pi \alpha \rho \alpha \gamma \omega \gamma \alpha i \), § 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 (\( o\iota k\iota a \)), 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 dower.

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1 In § 20 it is said that Plango's dower was more than 100 minae. (See the note on § 14.)

2 See Introd. Or. 39 ad fin.
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

1 § 17, οῦ νῦν περὶ ἐκείνων εἰληχέ μοι δίκην οὐδεμιᾶν, ἀλλὰ περὶ ἄλλων 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 Μαντιθεοῦ έκατόν εγγράψας εἰς τοὺς δημοτας). In § 35 however he speaks of the action περὶ τοῦ ὄνοματος 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 Halicarnassus¹, placing the trial περὶ

¹ Dionys. (on Deinarchus, § 13 p. 666, 1) πρὸς Μαντίθεον περὶ προικὸς. 'Πάντων εἶστιν ἀναρότατον.' οὕτως ἀκολοθεὶ τῷ προτέρῳ λόγῳ καὶ πολλὰ ἔχει κατὰ λέξιν ταύτα, ἀ εἰπ. ἀν τοῦ αὐτοῦ ἤρτορος, ἐξεὶ τῆς Δευάρχου ἡλικίας. [καὶ γὰρ οὐ] πολλοὶς ἐτέσιν ἕστερον ἡμῶνται τὸν ἀγώνα ὅ κατήγορος, ἄλλα δύο ἔ τρισιν, ὡς ἀκριβεστερον περὶ αὐτῶν ἐν τῇ Δημοσθένου γραφῇ δεδηλώκαμεν. The restoration in brackets is due to Sauppe.—For a minor chronological point, see on § 37.
προικὸς two or three years after the trial περὶ ὀνόματος, which probably belongs to B.C. 350.

Arnold Schaefer (u. s. pp. 225—6) holds the present speech inferior to the speech περὶ ὀνόματος 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>Cleaenetus of Κυδαθέραον</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleon Or. 40 § 25 (the demagogue, ob. B.C. 422).</td>
</tr>
<tr>
<td>Polyaratus of Χολαργός (§§ 6 and 24) (ob. soon after B.C. 399).</td>
</tr>
</tbody>
</table>

| Cleomedon, § 6 + Daughter*, § 6 (whose second husband was Mantias). |
| Polyaratus of Χολαργός (triarch in Samian war B.C. 322). |

| Cleon Three daughters. |
| (§ 6 al. jin.). |

| Pamphilus (§ 20) of Κερεάδα. |
| Mantitheus of Οφρίκος. |

| Boeotus (or Mantitheus the elder). |
| Pamphilus, § 11. Mantitheus (the younger). |
| Son (died early, § 7). |

(Cf. A. Schaefer, u. s. pp. 211—4.) S.]
ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΠΡΟΙΚΟΣ ΜΗΤΡΩΙΑΣ.

ΥΠΟΘΕΣΙΣ.

Καὶ οὗτος παρὰ τοῦ αὐτοῦ καὶ πρὸς τὸν αὐτὸν ὁ λόγος εἴρηται. καὶ τὰ μὲν ἄλλα πάντα ταῦτα, ἡ Πλαγγών, ὁ ὄρκος, ἡ τῶν παίδων ἀναγκαῖα ποίησις, ἀποθανόντος δὲ τοῦ Μαντίου οἱ παίδες ὠντες τρεῖς, 5 Μαντίθεος ο ἐκ τῆς νόμως γαμηθείσης καὶ Βοιωτὸς καὶ Πάμφιλος οἱ ἐκ τῆς Πλαγγώνος, ἐνέμοντο τὴν οὐσίαν. φάσκοντος δὲ τοῦ Μαντιθέου προίκα ἑαυτῷ μητρῶν ὀφείλεσθαι, Βοιωτὸς καὶ Πάμφιλος καὶ αὐτοὶ προικὸς ἡμισβητοῦν, ὡς καὶ τῆς Πλαγγώνος εἰσενεγκα-10 μένης εἰς τὸν οἰκον τοῦ Μαντίου μνᾶς ἐκατόν. συνε-δοξεν οὖν αὐτοῖς νειμασθαι πάντα ἐπ' ἵσης πλῆν τῆς οἰκίας, ἢ ὀποτέρων ἢν ἡ μήτηρ φανῇ προίκα εἰσε-νεγκαμένη, τοῦτοις ἀπὸ τῆς οἰκίας ἀποδοθῇ τὸ ἀργύριον, καὶ πλῆν τῶν ἀνδραπόδων, ὁπως οἱ περὶ τὸν

Argument. 1. 9, ἡμισβήτουν] '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 regarded Boeotus' demand as a mere device for cancelling his account against the common property.

εἰσενεγκαμένης] A technical word in this sense. So Or. 42 § 27, μενοῦσης μοι τῆς μητρὸς ἐν τῷ οἴκῳ καὶ ζώσης καὶ προίκα ἐπενεγκαμένης. See also inf. §§ 19, 59, 60.

14. By οἱ περὶ Βοιωτῶν,
1008 Βοιωτῶν, ἐὰν ἐπιζητῶσί τι τῶν ἐνδού, ἐξωσιν ἐλέγχοι. 15
μετὰ δὲ ταῦτα ἀντενεκάλεσαν ἄλληλοις, ὁ μὲν Μαντιθέους ὑπὲρ τῆς μητρᾶς οὕσιας, ἐκεῖνοι δὲ ὑπὲρ ἄλλων τινῶν. καὶ ὁ διαιτήτης Μαντιθέου μὲν ἀπεδιαίτησε, Βοιωτοῦ δὲ κατεδιαίτησεν ἐρήμην. λαγχάνει δὴ Μαντιθέου καὶ εἰς τὸ δικαστήριον αὐτῷ τὴν αὐτὴν δίκην, 20 ἀπαιτῶν τὴν προίκα.

Πάντων ἐστὶν ἀνιαρότατον, ὡς ἀνδρὲς δικασταὶ,
ὅταν τις ὀνόματι μὲν ἀδελφὸς προσαγορευθῇ τινῶν,

'Βοετοῦς' 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 ἐξωσιν ἐλέγχοι he means ἐξωσιν ὡ ἐλέγχωνται as well as ὡ ἐλέγχων. 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, εάν τι ἐπιζητῶσι.

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 Manti-theus, and against Boeotus by default (§ 17). Manti-theus, 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 Manti-theus was his name (§ 18). [For λαγχάνειν δικήν εἰς δικαστήριον cf. 59 (Neader.) § 98 λαγχάνου δικήν τοῦ Ἀκεδαιμονίου εἰς τοῦ Ἀμφικτύωνας χίλιων 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 ὄνομα refers to the specific title or name of 'brother.' And hence the dative is used, though προσαγορεύεσθαι ὄνομα is a more common syntax. See inf. §§ 18, and 20, ὅτι πῶς ἄλλο χαίρει προσαγορευόμενος. [On the form προσαγορευόμενος, see 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. εἰς ἣν 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
action,' i.e. that they may seem to be claimants themselves instead of defendants. The disputes had been referred to arbitration before Solon and another, inf. § 16.—ένεικα τῆς δίκης, i.e. for the mere purpose of getting up a claim against my demand for the dowry.  

οὐ δυνάμενος] Referring to δικάζομαι. '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.'—ένεικα ἔτεσιν, cf. § 18.  

4. ὅπως ἄν δύναμη 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.  

αὐγγυμίην ἔχειν μου] To show me all reasonable consideration; to make allowance for my feelings and language under the circumstances which I shall describe.  

εἰς ἐκδοσιν] 'For a marriage portion for my daughter,' who is ἐπίγαμος, nubilis, 'marriageable,' § 57. The gloss of Hesychius, ἐπίγαμος πατρίδος, is difficult to explain. The technical term was ἐπιδοῦναι προῖκα, §§ 6, 56.  

[On προίκ, see Hermann's Privatalt. § 30, 14 to 22 = p. 263 ed. Blümmer, also § 65, 15 to 17 = p. 66 of Rechtsalt. ed. Thalheim; and Becker's Charicles π p. 293—7 = p. 480 of Engl. abridgment. S.]  

5. ἐξόν—μὴ] 'When they need not have come into court at all.' See Or. 39 § 12.
πατὴρ ἡμῶν μὴ ὀρθῶς διεπράξατο ἡ οὖτοι εἰς ἐκεῖνον ἦμαρτον, ἀναγκάζουσι δὲ ἑμὲ δικάζεσθαι αὐτῶς. ἦν δὲ ἀκριβῶς εἰδήτε ὡς οὐκ ἐγὼ τούτον αἴτιος εἰμί, ἀλλ' οὖτοι, ἐξ ἀρχῆς ὡμιν, ὡς ἂν ἐν βραχυτάτοις δύνωμαι, διηγήσομαι τὰ πρακτάντα.

6 Ἡ γὰρ μήτηρ ἡ ἐμῆ, οὐκ ἄνδρες δικασταί, θυγάτηρ μὲν ἢν Πολυαράτον Χολαργέως, ἀδελφὴ δὲ Μενεξένου καὶ Βαθύλλου καὶ Περιάνδρου. ἔκδόντος δὲ αὐτὴν τοῦ πατρὸς Κλεομέδωτι τῷ Κλέωνος νιέει, καὶ προῖκα ταλαντὸν ἐπιδόντος, τὸ μὲν πρῶτον τούτῳ συνφωκεί γενομένων δ' αὐτῇ τριῶν μὲν θυγατέρων, νιεύ δ' ἐνός ΙΟΙΟ Κλέωνος, καὶ μετὰ ταῦτα τοῦ ἄνδρος αὐτῆς τελευτήσαντος, ἀπολιποῦσα τὸν οἶκον καὶ κομισαμένη τὴν 7 προῖκα, πάλιν ἔκδόντως αὐτὴν τῶν ἀδελφῶν Μενεξένου καὶ Βαθύλλου (ὁ γὰρ Περιάνδρος ἐτι παῖς ἦν) καὶ τὸ ταλαντὸν ἐπιδίοντος συνφωκησε τῷ ἐμῷ πατρὶ.

ὡς ἐγὼ αἰτίος οὐκ εἰμὶ Ζ. (ὡς οὖν ἐγὼ αἰτίος οὐκ εἰμὶ Σ.) ἐγὼ τούτον Bekk. cum margine Σ.

Bekk. om. Ζ cum Σ.

μὴ ὀρθῶς διεπράξατο] ‘Any act which my father improperly committed.’ He somewhat curtly alludes to the paternal pecadilloes mentioned in Or. 39 § 26. Perhaps certain political misdoings are included. Ibid. § 3.

§§ 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.

Πολυαράτον] Cf. § 24. In B.C. 409 he held a financial office, as is shown by an inscription concluding with the words ‘Ελληνοταμία Ἀναστίῳ Σφηντίῳ καὶ παρέδρῳ [Πολυαράτῳ Χολαργε]. Boeckh, Publ. Ec. ii vii p. 245 trans. Lamb. S.]


τῷ Κλέωνος νιεῖ] See Arg. Or. 39, n. 1. On Cleon, the famous demagogue, see further in § 25.

καὶ γνωριμαι αὐτοῖς ἐγώ τε καὶ ἀλλος ἀδελφὸς νεώτερος ἐμοῦ, δὲ ἔτι παῖς ὃν ἐτελεύτησεν. ὡς δ’ ἀληθῆ λέγω περὶ τούτων ὑμῖν, πρῶτον τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ.

Τὴν μὲν τοῖνυν μητέρα τὴν ἐμὴν οὕτως ὁ πατήρ 8 μου γῆμας ἔχει γυναῖκα ἐν τῇ οἰκίᾳ τῇ ἑαυτοῦ, ἐμὲ τε ἐπαίδευε καὶ ἡγάτα, ὥσπερ καὶ ὑμεῖς ἀπαντεῖς τοὺς ὑμετέρους παιδίς ἀγαπᾶτε. τῇ δὲ τούτων μητρὶ Πλαγγόνι ἐπιληπτἰασεν οὖν τίνα δή ποτ' οὖν τρόπον οὐ γὰρ ἐμὸν τούτο λέγειν ἐστὶ. καὶ οὕτως οὐ πάντα γε ἢν 9 ύπὸ τῆς ἐπιθυμίας κεκρατημένος, ὥστ’ οὐδὲ τῆς μητρὸς τῆς ἐμῆς ἀποθανοῦσης ἥξιωσεν αὐτὴν εἰς τὴν οἰκίαν

§§ 8—10. Mantias treated his lawful wife with all affection, and we 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 my father to compel him, that he reluctantly acknowledged the children of the mistress; and the defendant gained his end by the perjury of the woman in collusion with Menecles.

ὁσπερ 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. οὖν τίνα—τρόπον] This must mean that he does not know and does not care to inquire how the connexion arose [45 § 3].—ἐπιληπτἰασεν, 'he had formed a connexion with' [Isaeus 3 § 10], a common sense of πελά-ζειν. Aesch. Suppl. 300, οὐκ οὖν πελάζει Ζεὺς ἐπ’ εὐκραίρῳ βο. Soph. Trach. 17, πρὶν τὸ δει καὶ της ἐμπειλασθῆται ποτὲ. Eur. Andr. 25, πλαθεῖα 'Ἀχιλλεὼς παΐς, Hence the Spartan word πλάταις, 'a wife,' Ar. Ach. 132.

9. οὕτως οὐ—ὡστ’ οὔθε κ.τ.λ. Adeo non prorsus cupidine victus ut ne mortua quidem matre domo eam ad se receperit. We may construe either οὐ 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' ἐαυτοῦ εἰσδέξασθαι, οὐδὲ τούτοις, ὡς νείεις εἰς ἐν αὐτοῦ, πεισθήναι, ἀλλὰ τὸν μὲν ἄλλον χρόνον οὗτοι διῆγον οὐκ ὄντες τούμοι πατρὸς, ὡς καὶ ύμῶν οἱ πολλοὶ ἰσασιν, ἐπειδὴ δὲ οὕτωσι εἰς Αὐξηθείς καὶ μεθ' αὐτοῦ
dε παρασκευασάμενος ἐργαστήριον συνοφαντών, ὡς ἡγεμόνι ἣν Μνησικλῆς καὶ Μενεκλῆς ἐκεῖνος ὅ τὴν Νίνον ἔλων, μεθ' ὧν οὗτοι ἔδικαιζετο μοι τὸ πατρί

φάσκων νῖός εἶναι ἐκεῖνον. συνόδων δὲ γιγνομένων πολλῶν ὑπὲρ τούτων, καὶ τοῦ πατρὸς οὐκ ἂν φάσκοντος πεισθήναι ὡς οὗτοι γεγόνασιν ἐξ αὐτοῦ, τελευτῶσα ΙΟΙ ἡ Πλαγγών, ὥς ἄνδρες δικασταί, (πάντα γὰρ εἰρήσεται τάληθι πρὸς ύμᾶς) μετὰ τοῦ Μενεκλέους ἐνεδρέσασα τὸν πατέρα μου καὶ ἐξαπατηθάσασα ὁρκὼ ὃς μέγιστος δοκεῖ καὶ δεινότατος παρὰ πᾶσιν ἀνθρώποις εἶναι,

e Bekk. οὗτος Ζ cum ΣΦ.
f Bekk. μετὰ αὐτοῦ Ζ. (μεταυτοῦ Σ.)

tὸν 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 δὲ κ.τ.λ.] There is no proper apodosis, which was intended to be at τελευτῶσα ἡ Πλαγγών, in § 10. It would be better perhaps to place not a full stop, but a mark of aposi-
opesis, or break in the sense, after ἐκείνον. 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' ἐαυτοῦ κατασκεύασας, 'having got them to act with himself against his own father.'

10. οὐκ ἂν φάσκοντος] i.e. φάσκοντος ὃτι οὐκ ἂν ποτὲ πεισ-

θείη. Mantias does not say 'he never will be persuaded to ac-
knowledgment 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, κἂν ἐγίγνετο πληγή τελευτῶ, Or. 54 § 26.

ἐνεδρέσασα] The accusative rather depends on ἐξαπατηθάσασα than on this participle. It is remarkable that a quotation follows from Π. κτίνι 37 ιτω—Στυγὸς υδῶρ, ὅτε μέγιστος ὁ Ὀρκος δεινότατος τε πέλει μακάρεσσι θεοῦσιν.
τράκοντα μνᾶς λαβοῦσα] '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 de-
cline to accept the challenge.'
The transaction is related in
Or. 39 § 3; but Plango is there
said μεσαγγήσασθαι ἀγρύρων.
For εἰσποιοεῖν, 'to cause a child
to be adopted,' see Or. 43 (πρὸς
Μακαρτ.) § 15, ἐμοὶ γὰρ οὐκέτι οἶνον τ’ ἤν, οὐκ ἄνδρες δικασταί, κυ-
ριῶς ἐγεγράφθαι, εἰσποιοκτῆτι
τὸν παιδὰ εἰς τὸν οἶκον τῶν
Εὐβου-
λίδων Or. 44 (πρὸς Λεωχ.) § 34,
οὐκ ἐπιλογισμένοι—ὄτι οἱ εἰσ-
pοιοτοί οὐκ αὐτοὶ ὑφ’ αὐτῶν, ἀλ’
ὑπὸ τὸν εἰσποιομένων καθίστα-
tαι. Hence the word was op-
posed to the natural relation,
and meant θετός, νόδος, ἐξεθεν
gεγεννήμενος, as Hesychius ex-
plains it.

οὐ δέξασθαι] Madvig Gk. Synth. § 205. Virtually this is ὁμολό-

γησεν ὅτι οὐ δέξωτο. With the
infinitive, μὴ would be the usu-
al idiom.

οὐτε τούτων] 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 fur-
ther trouble from them. For
πράγματα παρέχειν, i.e. εὐγελεῖν,
a common expression, it is hardly
necessary to cite inf. § 35, κακά
μοι παρέχων ἤρακασθε με λαχεῖν
αὐτῷ δίκην, Mid. § 17, p. 520,
κακὰ καὶ πράγματα ἀμυθήτα μοι
παρέχων διετέλεσαν. Ar. Vesp.
312, τὶ μὲ δῆθ', ω μελέα μῆτερ,
ἐτίκτες, ἐν' ἐμοὶ πράγματα βδοκεῖν
παρέχεις; (This is said to be
from the Theseus of Euripides.
The original probably was, ἡ
σοι πράγματα βδόκειν παρέχω,
'to give you trouble in main-
taining 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-
toúton tì àn úmín makroloqoihìn; òs γάρ πρός τον
diaitētìn ἀπήνυτης, paraβάσα πάντα τα ωμολογη-
ména ἡ Πλαγγών δέχεται τε την πρόκλησιν καὶ ὀμ-
nυσιν εν τῷ Δελφινῷ ἄλλον ὄρκου ἑαυτύν τῷ προ-
tέρο, ὡς καὶ úmōn oi πολλοὶ ἵσασι' περιβόητος γάρ ἡ
πράξις ἐγένετο. καὶ οὕτως ὁ πατήρ μου διὰ τὴν ἑαυτοῦ
πρόκλησιν ἀναγκασθεὶς ἐμμείναι τῇ διαίτῃ ἐπὶ μὲν
τοῖς γεγενημένοις ἡγανάκτει καὶ βαρέως ἐφέρε, καὶ
eis τὴν οἰκίαν οὔτ' ὡς εἰςδέξασθαι τούτους ἥξιώσεν, εἰς
δὲ τοὺς φρατέρας ἡγανάκτης εἰςαγαγεῖν. καὶ τούτον

12 μὲν ἐνέγραψε Βοιωτόν, τὸν δ' ἐτερον Πάμφιλον. ἐμὲ
δ' εὐθὺς ἔπεισε περὶ οἰκτωκαίδεκ' ἐτη γεγενημένον την
Εὐφήμον γῆμα θυγατέρα, βουλόμενος παιδας ἐξ ἕμοι
γενομένους ἐπίδειν. ἐγώ δ', ὦ ἀνδρεῖς 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, οὐχ
ἀπαντήσαντος πρὸς τὸν διαίτητιν,
and §§ 38, 39, where the same
formula occurs, as Mr Mayor
points out, p. 247.

Δελφινῷ] 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 regarding
birth-right. [Harpocr. s.v. 'Ἀθή-
nησιν ιερὸν Ἀπόλλωνος, ἐνθὰ ἐν
καὶ τὸ ἐν Δελφινῷ δικαστήριον
Ἀμ. ἐν τῷ πρὸς Βοιωτῶν. S.]
To this perhaps Or. 54 (κατὰ Κοιν.)
§ 26 refers, πρὸς τὸν Λίθον
ἀγοντες καὶ ἐξορκίζοντες—ἐξ ἐτα
πας εἶναι παιδίων αὑτῷ ποῦτο,
though ὁ λίθος is generally
understood of the altar in the

Acropolis. See Or. 23 (κατ' Ἄρσιν.) § 74.

ἡ πράξις] Rather unusual
for τὸ πράγμα, but the way of
doing it, rather than the thing
done, is described.

dia τὴν ἑαυτὸν πρόκλησιν] Not
from any will of his own, but
from his folly in trusting the
oath of such a woman as
Plango.

12. ἐπίδειν] 'To live to see.'
This, with ἐπίδων § 13, is a good
example of a remarkable, but
not uncommon, sense of the
verb. Another is Aesch. Agam.
1538, ἰὼ γὰ, γὰ, εἶδε μ' ἐδέξει,
πρὸ τοῦ ἐπίδειν ἄργυροιχον
δροῖτος κατέχοντα χαμεύναν. Ηε-
ροδ. ντ 52, ἐπίδωντα δὲ τὸν Ἀρα-
τόδημον τὰ τέκνα, νοοῦσι 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 ἐπίδειν
that Mantias was either advanced in life or consciously infirm, though below Mantitheus says he fell ill and died of pollois estenin 

καὶ πρότερον καὶ ἐπειδὴ κ.τ.λ.]

'As before, so especially now when the defendants were beginning to annoy him.'

δόσα]. Supply τοὺς.

§§ 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 dover by a counter-claim on the property for the same amount in right of their mother Plango.

ἐναντιωθᾶτα] He did not care (so he pretends) to oppose his father's expressed dislike to admit the adopted sons to live with him.

οὐχ...οὖσα] 'Not as being really my brothers,' contrasted with ὅν τρόπον γεγόνασιν ('the manner in which they have become so,' or 'in what manner they have been born.' Prof. Kennedy).

λελήθασιν] He might have said οὐ λεληθεὶς, but the Greeks, as is well known, prefer in these idioms the personal use of the verb, e.g. δικαίος εἰ πατέω, λοικας ποιήσειν, κε. The matter was περιβότων, '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 noised abroad. S.]

ἐξηπατήθη] He uses a word which has more of bitterness even than ἡγακάσθη.

14. εἰσδεχέντες] 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,
and it seems probable from other passages that διάκονος was a
term applied to a superior class of
servants.’”

§ 15. ἕξαρέτους § Σχι."‘Specially re-
erved.’ Cf. inf. §§ 56, 60.

15. ἕκακοντακατηθείς § 16

and 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 ἐπιζητώσι 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

The friends who were called in to advise
what should be done. Kennedy
renders it, ‘under the advice of
persons who were present.’

Either these words or τοὺς διακόνους read like
an interpolated gloss.

Mr Mayor however remarks
(p. 247) ‘A reference to the in-
dex shows παῖδα διάκονον p.
1153, οἰκέτην διάκονον p. 1359;

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dex shows παῖδα διάκονον p.
1153, οἰκέτην διάκονον p. 1359;
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, εἰν' επίσημοι τι τῶν 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.

díkas ἐλαχον] This seems to refer to the suit mentioned in § 3, πλὴν εἰ τινα τῶν ἔρεικα τῆς δίκης ταύτης ἀντειλήχασι μοι συκοφαντοῖσιν.

παραγραφάμενοι] 'Having had his name registered.' See on 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 public (κληροτοί), not private (αἱρετοί); since there was no appeal from the decision of the latter, and the words ὀύτε έφηκεν εἰς τὸ δικαστήριον in § 17 imply that there was in this case a power of appeal.

'Ερχεά] The name of the deme 'Ερχεα occurs, but in a doubtful reading and in a passage of doubtful genuineness, Mid. § 22, Παρμένης Παρμένους 'Ερχεύες. Photius, 'Ερχίδαια 'Ερχεία δήμος τῆς Αττικῆς. Hesych. 'Ερχεία δήμος φυλῆς τῆς Αἰγαίος.

έφυγοικον] 'Shirked the hearing altogether,' Kennedy. A rare word, if not ἀπαξ εἰρημένων.


ἐπὶ τὸ ἐγκλήμα] This clause reads like a gloss. ‘Having had the name Boeotus written upon it,’ is the simple sense.
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. **paróntos** See § 31, parón autós őte ἀπεδήγητέ μοι ὁ διαιτής, 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 περὶ καταδικαστίν, like ἀπογνωσαί των τῆς δίκης, § 39, is to acquit, or give sentence in favour of a person. The full phrase, which occurs in § 55, is ἀποδικαστὶν δίκην τῶν. The contrary is καταδικαστὶν τῶν. Cf. Mid. § 85 πέιθεν αὐτόν ἦν κατεδήγητε, τὴν ἀποδειχτημένην ἀποφαίνειν.

ἐφήκεν] See Or. 34 § 21.—περὶ ἐκείνων, i.e. he has not now made that claim, viz. specially and exclusively to the dowry of his mother Plango.

[§7 δ'] τῇν 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.

tοτε] “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 ὄνω ήν ὦτοι μοι ἐδικαζόντο—ἡν δ’ ἐγὼ τούτου ἐδίκωκον. It is this second suit, not that before Solon, to which τότε refers.” Mr Mayor, p. 248.—ἐπιδημοῦντος, 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 (ἀντιδικαζόντος τούτου).—ἐρήμην, so in the same passage of the Midias, τὴν ἐρημὸν δεδωκότα, sc. διαιταν.
"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 ousai de k.t.l. but the de is really antithetical to peri men ouv ouv ousi, &c. above. 'Onomati amfipheuton' 'By disputing (quibbling or cavilling) about a name.' For the antithesis with ergai, see sup. § 1.

'Aporeov k.t.l.] 'As I scarcely knew how such a case was to be dealt with.' Kennedy. Cf. Or. 34 § 46, eγω δ' οὐκ ἔχω τὶ χρῆσωμαι τοῖς τούτων μαρτύρων, and 53 § 13. Mantitheus] '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 Mantitheus 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, ἐκθών εἰς τοὺς δημότας ἀντὶ Βοώτου Μαντιθέου ἐνέγραφεν ἕαυτων, 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 γραμ-ματείον ληξιαρχικῶν.

19. ousper oi nómoi] The brothers were kúroi, i.e. had legal disposal, as next of kin,
Συνάκησε τῷ πατρὶ, καὶ ὄν τρόπον ἐγὼ τούτους εἰσ- 

dεξάμην εἰς τὴν οἰκίαν τοῦ πατρὸς τελευτήσαντος, 

καὶ ὅτι ἀπέφυγον αὐτοὺς τὰς δίκας ἂς μοι ἐνεκάλουν, 

ταῦτα μὲν πάντα καὶ μεμαρτύρηται ὑμῖν καὶ ἐπιδε- 

dεικταί. Ἡθι δὲ λαβὲ καὶ τὸν περὶ τῆς προικὸς νόμον 

toutonί.

ΝΟΜΟΣ.

20 Ὡς τοίνυν τοῦ νόμου ἔχοντος οἴμαι τουτοῦ 

Βοιωτῶν Ἡ Μαυτίθεου, Ἡ ὁ τι ποτὶ ἄλλο χαίρει προσα- 


γορεύσαντος, δικαίαν μὲν ἀπολογίαν καὶ ἀληθινὴν 

οὐδεμίαν ἔξειν εἰπείν, ἐπιχειρήσειν δὲ τῇ τόλμῃ καὶ 

τῇ βρασύντητι τῇ ἑαυτοῦ πιστεύοντα περιστάναι τὰς 

ἑαυτοῦ συμφορὰς εἰς ἑμὲ, ὑπὲρ καὶ ἰδία ποιεῖν εἰσθε, 

λέγων ὡς δημευθείσης τῆς τοῦ Παμφίλου οὔσιας, ὃς 

ἥν πατήρ τῆς Πλαγγόνος, τὰ περιγενέμενα χρήματα 

ὁ πατὴρ ὁ ἐμὸς ἔλαβεν ἐκ τοῦ βουλευτηρίου, καὶ οὕτως 

of the person and property of 

their sister. [Lysias 16 § 10, 

ὅν ἀδελφάς ἐξιδωκὴ ἐπιδοτῇ τριά-

κοτα μνᾶς ἑκατέρα. S.] 

ἀπέφυγον] ‘Obtained judg-

ment in the actions which they 

brought against me.’ Kennedy. 

The double accusative is used as 

in μετελθεῖν τινα δίκην. See inf. 

§ 42, ἂς ἐγὼ δίκας τούτου ἀπέ-

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 τι ποτὶ ἄλλο] sc. ὄνομα. 

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. 

ἀληθινὴν] ‘Genuine,’ op-

posed to πλαστὴν, ‘fictitious;’ 

while ἀληθῆ is opposed to 

ψευδῆ. 

περιστάναι] See Or. 37 § 39. 

The intransitive is more com-

mon, as τὸ πράγμα περιέστη εἰς 

ὑπέρδειν, &c. See Thuc. 1 78, 

ἐς τόχας φιλεῖ περίστασαι. Or. 

37 § 10, ὡς τὸ πράγμα μοι 

περιεσθῆκος εἰς ἄποτον. 

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-

bably); 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—ta peri-gevomea, what remained over and above the fine or debt to the treasury, for the payment of which the goods were confiscated. The term is used in Or. 35 § 13, for goods saved from a wreck.


21. ἐμβεβλημένων] ‘Without having filed (or, entered) any affidavit.’ In the medial sense, like μαρτυριὰν ἐνέβαλον, § 58, lit. ‘having caused to be thrown in,’ i.e. εἰς τὸν ἐχύνων. See § 28.—παραγωγάς, arguments to lead away from the real point; ‘shuffling excuses.’ Kennedy. Hesych. παραγωγαί· ἀπάται, χρή-
And they were not the men to let my father get possession of what belonged to them.

1 Bekk. εκτετασθα ε consuetura Z. (εκτετασθαι Σ.)

m Bekk. αυτο Σ cum Z.

The common reading before Reiske's edition was ὅσιοι, which comes to the same thing. The latter, G. H. Schaefer remarks, is for ὅτι οὖν ἐστιν, the former for ὅτι ἢν οὖν ἢ. '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 ἢν belongs to both clauses, but the imperfect represents the habitual way of action, the
áπαντες ἵστε, τὰ δ′ αὐτῶν τὸν ἐμὸν πατέρα περιείδουν κομματίαν. ὅτι μὲν τοῖς ἡ γε τούτων μήτηρ οὐκ ἐπηνέγκατο προῖκα, ἀλλ' οὕτω τούτῳ ψεύδονται, ἵκανος ὡς μεμαθηκέναι νομίζω. ὅτι δ' ἡ ἐμὴ μήτηρ ἐπηνέγκατο, ῥαδίως ἐγώ δείξω. πρῶτον μὲν γὰρ Πολυναράτῳ θυγατρὶ ʿἡν, ὡς καὶ υφ' ὡς ἐτυμάτο καὶ πολλὴν οὐσίαν ἐκέκτητο· ἐπειτὰ μεμαρτύρηται ὡς καὶ ἡ ἀδελφὴ αὐτῆς τοσαύτην προῖκα ἐπετιοθεῖται ἑρμησίμως συνισκῆτο· τῷ Χαβρίῳ κηδεστῇ. πρὸς δὲ τούτοις φαίνεται μον ἡ μήτηρ τὸ 25 πρῶτον ἐκδοθείσα Κλεομέδουτοι, οὐφασι τὸν πατέρα Κλέωνα τῶν ὑμετέρων προγόνων στρατηγοῦντα, Λακεδαιμονίων πολλοὺς ἐν Πύλῳ ξῶντας λαβόντα, μάλιστα πάντων ἐν τῇ πόλει εὐδοκιμῆσαι· ὅστ' οὔτε τὸν ἐκεῖνον προσήκειν ὑδῷ ἄριστον ἀὐτὴν γῆμαι, οὔτε Μενέ-

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. φασὶ...Κλέωνα] 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 prisioners at Pylos.' Compare λέγεται 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, máliosta pántōn eudokimēsai, is interesting. Aristophanes, in pure spite, says that ἔλαμψε τῆς τόχης χάρων, '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 ancestors of some of the present jury might have served under Cleon.

τὸν ἐκείνον ὑδῷ] Not merely 'his son' (Kennedy), but 'the son of that distinguished man, now deceased' (§ 28).—οὐ προσῆκεν, 'it was not consistent with the wealth and position of the family.'
ξενὸν καὶ Βαθυλλον εἰκὸς ἐστιν, αὐτοὺς τε οὐσίαν πολλὴν κεκτημένους καὶ Κλεομέδοντος τελευτήσαντος κομισαμένους τὴν προῖκα, ἀποστερῆσαι τὴν ἀδελφὴν τὴν ἑαυτῶν, ἀλλὰ προσβέντας αὐτοὺς ἐκδοῦναι τῷ ἡμετέρῳ πατρὶ, καθάπερ καὶ αὐτοὶ πρὸς ὑμᾶς καὶ οἱ ἄλλοι μεμαρτυρήκασιν. χωρὶς δὲ τούτων ἐνυθμηθήτη διὰ τῖ ἀν ποτε ὁ πατὴρ, εἴπερ ἢ μὲν ἡ μήτηρ μή ἢν ἐγγυνητῇ μηδ' ἤνεγκατο προῖκα, ἢ δὲ τούτων ἤνεγκατο, τούτους μὲν οὐκ ἐφὶ αὐτοῦ νεῖς εἴναι, ἐμὲ δὲ καὶ ἐποιεῖτο καὶ ἐπαίδευεν; οὔτε νη Δὲ', οὐς οὗτοι φήσοσιν, ἐμοὶ χαρίζομενος καὶ τῇ ἐμῇ μητρὶ τούτους ἡτίμαζεν. ἀλλ' ἐκεῖνη μὲν ἔτι παῖδα μικρὸν ἐμὲ καταλιτοῦσα αὐτῇ τὸν βίον ἐτελεύτησεν, ἢ δὲ τούτων μήτηρ Πλαγγῶν καὶ πρότερον καὶ μετὰ ταῦτα εὐπρε-

n Bekk. om. Z cum Σ.

εἰκὸς ἐστιν] An argument from the probabilities of the case, which is continued in §§ 26, 7. See on Or. 34 § 14.

αὐτοὺς] 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 προσβέντας. 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.

§§ 26, 27. The only conceivable 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. ἐγγυνητῇ] 'Affianced,' sc. ἐκδοντῶν αὐτὴν τῶν ἀδελφῶν, § 7. [The word does not appear to occur elsewhere. Cf. Isæus III § 70, ἐνέγκα καὶ ἐξεθίνην τὴν γυναῖką, vi 14, συνοκεῖν ἢ ἐγγυνηθείσαν κατὰ νόμον ἢ ἐπισκαθείσαν, [Dem.] Or. 46 § 18. Hermann, Privatalt. § 30, 7 = p. 262 Blümner. S.]

27. εὐπρεπῆς—οὖσα] This clause explains the continuance of the connexion as well as the
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.— ἐπλησιαζέων, see § 8.

ἡ ἐρώτα ἐτύγχανεν] ‘Whom he was in love with at the time,’— but the imperfect gives the additional sense, ‘during all the time.’ Properly, τυγχάνω ποτέν is not ‘I happen to be doing,’ but ‘in doing it I fall in with some particular time,’ or coincidence of time. Thus τυγχάνει ἐξών means ‘he had just gone out,’ not ‘he happened to have gone out,’ and in Soph. El. 313 κού δ' ἀγρόι τυγχάνει ἐστι, ‘at this present moment he is in the country.’ This idiomatic use was pointed out by Donaldson (New Crat. § 445), and it is an important remark, though apparently but little attended to.—πλησιαζόμεναι, i.e. ἐπὶ συνοικούσας.

§ 28. Boeotus has the audacity to assert, though he has no credible witnesses to prove it, that his father celebrated the tenth day after his birth, and 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 ἐστιάσας] In Or. 39 § 22, it is δεκάτην ποιήσας. [Cf. Isaeus iii § 70, εν τῇ δεκάτῃ τῇ τάξει κληθέντες συνεστίασας. S.]

Τιμοκράτος] 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.]


ἐκεῖνος] 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, ἐξ ὅτου δ' ἀρέσεις ἐκεῖνος (sc. τῷ τετελευτηκότῳ) μὴ σκοτεῖν. So Or. 36 § 23, Ἠμερότατος ὁ τραπεζίτης ἐκεῖνος, and 35 § 6, ὁ Διοφάντιον νίος, ἐκεῖνον τοῦ Σφητίου. Perhaps we should so render τῶν ἐκεῖνων, ibid. § 4, ‘the property of his deceased brother.’
κασιν ὡστε ὅν πάντων ὅμων εἰδότων οὔτοσί δίκην λαχων ἀκοῦτα ἡμάγκασε ποιήσασθαι αὐτῶν, τοῦτον οὖτοι, ὡσπερ κλητήρες, δύο μόνοι οὖνες μαρτυροῦσι
29 δεκάτην ὑπὲρ τοῦτον ἐστιάσαι. οἷς τίς ἃν ὅμων πιστεύσειν; καὶ μὴν οὐδ' ἐκεῖνο γε εἰπεῖν αὐτῷ ἐνδέχεται, ὥς μικρῶν μὲν ὅντα ἐποιεῖτο αὐτὸν ὁ πατήρ, μείζω δὲ γενόμενον τῇ μητρὶ ὀργισθείς τι τῇ τούτων ἠτίμαζε πολὺ γάρ ὅποιον μᾶλλον εἰσάθασιν, ἢν ἃν ἐν

Plat. Phaed. p. 89 A, πολλάκις θαυμάσας Ἀκράτην οὐ πώς τε μᾶλλον ἒγκατήνη τοῖς παραγενομένοις. τό μὲν οὖν ἔχειν ὅτι λέγοι ἐκεῖνος, ἢ ποτὲ οὐδὲν ἄποτον. It is said that the North-western American Indians always speak of 'that dead man,' and think it unlucky to mention his name. So ἐκεῖ is often a euphemism for ἐν "Ἀδών. 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 αὐτὸς 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 ἐκεῖνο 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 ote, olle, ille, means 'at that other time,' i.e. either past or future.

δίκην λαχων] See Or. 39 § 2.

ὡσπερ κλητήρες] 'Like witnesses to a summons, a pair of them only depose, &c.' Kennedy. 'Actori reum citanti duo solummodo κλητήρες (subscriptores) aderant. Hos igitur duos testes ait potius subscriptores quasi esse adversus Manti-am, 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 ἃν κ.τ.λ.] 'Is there any one who, &c.' For this formula, quibus nemo facile crediderit, see the note on Aesch. Suppl. 636. (P.)

πολύ γάρ 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 ὀβρεὶ καὶ ἐπηρεῖα των, 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, διενεχθαὶ ... διαλάβεσθαι ... διὰ τοῦτο ... διὰ τὰς, is partly avoided by the use of καταλάβεσθαί; and the hiatus in γυνὴ καὶ ἀνὴρ obviated by the transposition ἀνὴρ 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, iii 2, 226. 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 plaintiff, not the defendant, who might rather plead 'unpreparedness.' Besides, why did he not appeal, if he thought the verdict was wrong?

ἔν δὲ λέγῃ] 'Should he go on to talk about the actions,' &c. See §§ 16, 17.

οἷς ὀλγος 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, παρόντος τούτου καὶ ἀντιδικοῦντος.

ἀδικεῖσθαι] viz. by a wrong decision of a public arbitrator. —ἐφίασων, bring the matter by appeal before the Heliaea.

ταύτη] 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 actually 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.

νὴ Δ', ἀπράγμων ... καὶ οὐ φιλόδεκος] 'Oh! to be sure, he is not a man of business and far from litigious!' Prof. Kennedy.

Cf. Or. 42 § 12, μετρίου καὶ ἀπράγμωνος πολίτου μὴ εὐθὺς ἐτί κεφαλὴν εὶς τὸ δικαστήριον βαδίζειν, 36 § 58, 54 § 24. S.]

νυνὶ δὲ] 'But as the case is,' φιλοδεκω] 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 democratic 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, πρὸς τοὺς ἐπὶ τῆς ὄλγερχιας πολλοῖς τῶν πολιτῶν ἀκρίτους ἀποκτειναντας διαλαγάντες. Andocides, de mysterioriis, § 90.

συναφάμενοι] '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 λοιπῶν 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.

ἐπιτέμων] As ἐντέμενοι, in-
cidere, is 'to make a cut in,' so ἐπιτέμενων 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, pretent-
ing to have been wounded by his adversary.

τραύματος] 'Cutting and
maiming.' 'Wounding with
intent to kill.' For the genitive
cf. Ar. Vesp. 1406, προσκαλού-
μαι σ', ὡστις εἰ, πρὸς τοὺς ἄγο-
ρανόμους βλάψης τῶν φορτίων,
where there is probably an el-
lipse of δίκην, though all words
of this kind, like ἐγκαλεῖν, ἀμφισβητεῖν, &c., have a tend-
ency to take the genitive.

33. οὕτω] viz. Boeotus and
Meneclès, the latter of whom
is said to have been at the
bottom of the whole plot.

μηδὲν ἄδικοντος] Cum essem
innocens, 'without my having
wronged him.' Here μη is used,
not οὐ, by a lax usage, or per-
haps 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 as-
serting the present conscious-
ness of innocence as a fact.

διαβάλλειν] 'To be misrepre-
senting 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
diaβαλλεῖν is often used of false
impressions or ill-feelings re-
sulting from slander, e.g. Plat.
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 ἐνήθης] '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. —κατεσκέυασεν, this is said in reference to ἀπαράσκευων 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 πρῶν τὰς ἐν τοῖς ὄνομασ ἐγγραφές γενέσθαι. It appears therefore clear that enrolment even in the phratrae conferred the rights of a citizen, so far as to justify the bringing of a suit.

τοῦ αὐτοῦ πατρὸς καὶ δήμου] See Or. 39 §§ 4 and 9.

ἀνάδικον] 'To be tried over again.' He alludes to the trans- action before the two arbitrators, §§ 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' ὑρκον καὶ λόγον καὶ κρίσεως ψήφον ἐννεγεμένην ἀνά- δικον καβιστησον. Hesych. ἀνά- δικον' οὖτως ἐλέγχουτο δικαίος ἀκεραίαν (i.e. de integro, or re integra) ἐγκαβιστήμεναι, ᾧτοι διὰ πολιτικὴν αἰτίαν, ἢ τῶν μαρτυρῶν ἄλλων 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-
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 evbπη after holding it. [Meier and Schömann, Att. Process pp. 200—14. Hermann, Staatsalt. § 149. S.]

δικήν δὲ ἐξούλης ωφληκὼς ταύτην οὐκ αὐτὸς ωφληκέναι φησίν, ἀλλ' ἐμέ. ὥς δ' ἐν κεφαλαίῳ 35 εἰπεῖν, κακά μοι παρέχων ἡνάγκασε με λαχεῖν αὐτῷ δίκην περὶ τοῦ ὀνόματος, οὐχ ἣν χρήματα παρ' αὐτοῦ λάβω, ὁ ἄνδρες δυκασταί, ἀλλ' ἵν', εὰν ὕμων δοκῶ δεινὰ πάσχειν καὶ βλάπτεσθαι μεγάλα, οὕτως καλίται Βοιωτὸς, ὥσπερ ὁ πατὴρ αὐτῶ ἐθετο. ὅτι τοίνυν ἀληθῆ καὶ ταύτα λέγω, λαβεῖ μοι καὶ τὰς περὶ τούτων μαρτυρίας.

ΜΑΡΤΤΡΙΑΙ.

Πρὸς τούτοις τοίνυν καὶ ὅτι ἐγὼ στρατευόμενος καὶ 36 μετὰ Ἀμεινίου ἐξευλογήσας, ἀλλοθέν τε χρήματα εὑ-

Bekk. στρατευόμενος Z cum pr. S.

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 τοῦτων μοι δικάζεται, below. [ἐπορηγόσας is not joined with ἐξευλογήσας but is an explanatory participle. 'Just because, being on military service and having recruited mercenaries with Λ. (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.]

§§ 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

[εὐπορείων χρήματα] 'To raise
money’ (an expression not strictly correct) must be distinguished from $\text{ειπορεῖν χρήματων}$, ‘to have ready-money at command.’ Cf Or. 33 § 6, πράξειν δὲ μνάς ἐξείτο μον οὗτος συνειπόρησαι, and § 57.

param tox anfilov tis poleos]

“Designat partem illam civium Mitylenensium, quae partibus Atheniensium studeret.” Reiske.

$\text{στατήρας Phωκαίς}$ Boeckh (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 Rhoteum, 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 Phocaea,” 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 χρέως, for the more usual χρέως, is recognised by Hesychius. The use of πατρικόν (as in πατρική ἔχονta, Basileia Thuc. 1 13), and not πατρών (as in πατρών σκῆπτρων, πατρών χρήματα, &c.), is to be noticed.

$\text{Κάμη}$ We hear nothing more of this ruler of Mitylene, nor of the date when he established himself as tyrant. We know however that in b.c. 351 Mitylene 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. πp 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 Mitylene, 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."

υπηρετών] 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.

dωρεάν] This would seem to have been a vote of money for some services performed to the state by Mantias when postiendi-menos, Or. 39 § 3.

τῶν υπετέρων 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 shewn proofs enough that he was not the man to go unprepared into any suit against me.

υδωρ] note on Or. 54 § 36.

ἄγωνα peri φυγῆς] § 32 fin.

—ἀπαράσκευον, § 30 fin.

προς 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.
...óúπω τέλος εἰχον] 'Which had received no judicial determination.' Kennedy.

Κόνωνι] The grandson of the well-known general of that name. ἵσῳ] '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. τὶ γὰρ ὡν ἡν 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 διαλυθηνα] '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. Π. π. 309, θανάτου τέλος, and Thuc. ν. 42, πέρας τοῦ ἀπαντήσαντος τοῦτον καὶ ἀντιδικούντος ὃ μὲν διαιτητής ἀπέγνω μου, ὃντος δὲ τοῖς γρωσθείσιν ἐνέμεινεν, ὡς καὶ ὧμῖν μεμαρτύρηται, οὐκ ὃμην δίκαιον εἶναι 40 ταῦτα πάλιν ἀνάδικα γίγνεσθαι' τι γὰρ ἦν πέρας ἦμῖν τοῦ διαλυθῆναι, εἰ τὰ κατὰ τοὺς νόμους διαιτηθέντα λύσας ἐτέρῳ διαιτητῇ ἐπέτρεψα περὶ τῶν αὐτῶν ἐγκλημάτων, ἄλλως τε καὶ ἀκριβῶς εἴδος ὅτι, εἰ καὶ πρὸς τοὺς ἄλλους μη ἐπιεικὲς ἐστὶ ταῖς διαίταις ἰσχυρίζεσθαι, πρὸς γε τοῦτον ἀπάντησαν δικαιότατον ἦν ὡντο 41 προσφέρεσθαι. φέρε γὰρ, εἰ τις αὐτὸν ἕξειας γράφαυτο λέγων ὡς διομνύμενος ὁ πατήρ ὧν ἐπὶ τότων νῦν...
p. 1021] ΠΕΡΙ ΠΡΟΙΚΟΣ ΜΗΤΡΩΙΑΣ. 211

άυτον εἶναι, ἔσθ’ ὅτε ἂν ἄλλω ἱσχυρίζοιτο πρὸς ταύτα ἡ διότι τῆς μητρὸς αὐτῶν ὁμοσάσης καὶ τοῦ διαιτητοῦ καταγρόντος ἡμαγκάσθη ὁ πατὴρ ἡμῶν ἐμείναι τῇ διαιτῇ; οὐκοῦν δεινὸν εἰ οὕτως, αὐτὸς κατὰ 42 γνώσιν διαιτητοῦ ὑμέτερος πολίτης γεγενημένος καὶ 1021 πρὸς ἐμὲ τὴν οὕσιαν νεμάμενος καὶ τιχῶν τῶν μετρίων ἀπάντων, ὃς ἐγὼ δίκας τοῦτον ἀπέφυγον παρόντα καὶ ἀντιδικοῦντα καὶ τὸς γνωσθεῖσαν ἐμένοντα, ταύτας ἀναδίκους ἀξίων γίγνεσθαι δίκαιον τι δοκοί ἄγειν ὑμῖν, ὄσπερ, ὅταν μὲν τούτῳ συμφέρη, δέον κυρίας εἶναι πολλαὶ διαίτας, ὅταν δὲ μὴ συμφέρῃ, προσήκου τὴν τούτου γνώμην κυριωτέραν γενέσθαι τῶν κατὰ τοὺς ὑμετέρους νόμους γνωσθέντων. ὃς οὖν ἢπι- 43 βουλόσ ἢπιν ὡςτε καὶ τὴν διαιτὴν ἐπιτρέπειν μὲ προκαλεῖτο οὐχ ὅποια ἀπαλλαγὴ πρὸς με, ἀλλ’ ἵν’, ὄσπερ καὶ πρότερον ἐνδεκά ἐτη διήγαγε κακουργῶν, οὐτό καὶ νῦν τὰ ἀποδιαιτηθέντα μοι λύσας εξ ἀρχῆς

u eînai kuras Z et Bekker st. cum Σ.  v Bekk. τούτων Z cum Σ.

η διώτι] for η ὅτι. The Attic Orators (esp. Isocrates) often prefer διώτι 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 διά, ‘because of.’ Thus, the Attics say κατὰ πὶ ἠλθεῖς; ‘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 Timoer. § 32 seems not to have noticed this.

ἀξίων κ.τ.λ.] Construe ἀξίων tás díkas ánađíkous γίγνεσθαι, ἃς ἐγὼ τούτου 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, 34.

τὴν τούτου 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. Κόνων, § 39. λύσας κ.τ.λ.] ‘Setting aside

14—2
44 mere συκοφαντὴ καὶ τὴν δίκην ταύτην ἐκκρούη. τεκμηρίων δὲ τοῦτον μέγιστον ὦτε γὰρ τὴν πρόκλησιν ἐδέχετο, ἦν ἐγὼ κατὰ τοὺς νόμους προϋκαλούμην αὐτοῦ, προτέρον τε Ἑνίππῳ, ὦν οὖτος προβαλέτο διαιτητὴν, ἐπιτρέψαντος μοι περὶ τῆς τοῦ ὀνόματος δίκης, ἀπηγορεύσεν αὐτῷ μὴ διαιτᾶν. ὅτι δὲ καὶ ταῦτα λέγω, ἐκ τῆς μαρτυρίας καὶ τῆς προκλήσεως εἰσέσθε.

ΜΑΡΤΥΡΙΑ. ΠΡΟΚΛΗΣΙΣ.

45 Ταύτην τοῖνυν τὴν πρόκλησιν οὐ δεξάμενος, ἀλλ᾽ ἐνεδρεύων με καὶ τὴν δίκην ὅτι πλεῖστον χρόνον ἐκκρούειν βουλόμενος, κατηγορήσει, ὡς ἐγὼ πυνθάνομαι, οὐ μόνον ἐμοῦ, ἀλλὰ καὶ τοῦ πατρὸς, λέγων ὡς ἐκείνος ἐμοὶ χαριζόμενος πολλὰ τοῦτον ἡδίκησεν. ὥμεις δ', ὥς ἄνδρες δικασταί, μάλιστα μὲν, ὡσπερ αὐτοὶ οὐκ ἂν ἄξιώσατε κακῶς ἀκούειν ὑπὸ τῶν ὑμετέρων παι-

the judgment of non-suit pronounced for me by the arbitrator.’ Kennedy.

44. προβαλέτο] ‘Had proposed,’ ‘had put forward.’

ἀπηγορεύσεν] ‘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 ἐκείνοιν in § 46 fin., used of one deceased; see on § 28.

μάλιστα μὲν κ.τ.λ.] Answered by ἄν δ᾽ ἄρα 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, οὕτω μηδὲ τούτω ἐπιτρέπετε περὶ τοῦ πατρὸς ἑλασφημεῖν καὶ γὰρ ἀν εἶ ὑδὸν εἰ αὐτοὶ μὲν πρὸς 46 τοὺς ἐπὶ τῆς ὁλυγαρχίας πολλοὺς τῶν πολιτῶν ἀκρότους ἀποκτείνας διαλλαγέντες ἐμμένετε ταῖς ὁμολογίαις, ὡσπερ χρῆ τοὺς καλοὺς κἀκεῖθεν ἀνδρας, τούτῳ δὲ πρὸς τὸν πατέρα ζώντα καὶ διαλυθέντι καὶ πολλὰ παρὰ τὸ δίκαιον πλεονεκτήσαντι ὑπὸ μνησικα-κεῖν ἐπιτρέψετε καὶ κακῶς λέγειν ἐκεῖνον. μηδαμῶς, 47 ὃ ἀνδρεὶς δικασταί, ἀλλὰ μάλιστα μὲν κωλὺς' αὐτὸν ταῦτα ποιεῖν, ἀν δ’ ἀρα βιάζηται ὑμᾶς καὶ λοιδορήται, ἐνθυμεῖσθ’ ὅτι αὐτὸς ἐαυτοῦ καταμαρτυρεῖ μὴ ἐξ ἑκεῖνον γεγενηθεῖ. οἱ μὲν γὰρ φύσει παῖδες ὄντες, καὶ πρὸς ζώντας τοὺς πατέρας διενεχθοῦσιν, ἀλλ’ ὁν τελευτήσαντας ἐγὼ αὐτοὺς ἐπαινοῦσιν οἱ δὲ νομιζό-μενοι μὲν νεῖς, μὴ ὄντες δὲ γένει ἐξ ἑκεῖνον, ῥαδίως

* Bikk. om. Z cum ΦΣΦΒ.

46. αὐτοὶ μὲν——τοῦτω 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 assaults his memory again when dead.’ These constructions are an essential feature of Greek rhetoric; but they are quite alien from both our language and our idioms.

μηδαμῶς] ‘To rip open the quarrel and calumniate him.’ Kennedy. But ἑκεῖνον might better have been rendered (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 lifetime, speak with respect of their father’s memory, while putative sons have no such scruples.

βιάζηται κ.τ.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 καλήσαi in § 35. Properly, βιάζεσθαι is ‘to play the bully,’ and the construction is τινὰ τί, as in Aesch. Theb. 1045, αὐτῶν πόλεις μη βιάζεσθαι τάδε.

ἀλλ’ οὖν——γε] At saltēm. See Or. 39 § 34.—ῥαδίως, ἀδαφρῶς, ‘without any concern;’ ‘they think nothing of quarrelling.
§§ 47—51

μὲν αὐτοῖς διαφέρονται ξόσιν, οὕτω δὲ φροντίζουσι 48 περὶ τεθνεῶτων αὐτῶν βλασφημοῦντες. χωρὶς δὲ τούτων ἐνθυμεῖσθε ὡς ἀτοπόν ἔστιν, εἰ οὔτος τὸν πατέρα ὡς ἀμαρτόντα εἰς αὐτὸν λοιδορήσει, διὰ τὰ ἐκεῖνον ἀμαρτήματα ύμετρος πολίτης γεγενημένοι. κἀγὼ μὲν διὰ τὴν τοῦτον μητέρα τὰ δύο μέρη τῆς οὐσίας ἀφαιρεθεῖσα ὡμὸς ὡμᾶς αἰσχύνομαι λέγειν περὶ ἐκεῖνης 49 τι φλαύρον οὔτος δ', ὅν ἡνάγκασεν αὐτῷ πατέρα γενέσθαι, τοῦτον οὐκ αἰσχύνεται ψέγων ἐναντίον ύμῶν, ἀλλ' εἰς τοῦτο ἀμαθίας ἤκει ὡστε τῶν νόμων ἀπαγορευόντων μηδὲ τῶν ἄλλων πατέρας κακῶς λέγειν τεθνεῶτας, οὔτος, οὐ φησιν νῦς εἶναι, τοῦτον λοιδορήσει, εἰ προσήκε καὶ εἰ τίς ἄλλος ἐβλασφήμει 1023 περὶ αὐτοῦ ἀγανακτεῖν.

x Bekk. ἀμαρτάνοντα Ζ cum ΣεαL1.  
y Bekk. ἐναυτῶ Ζ cum Σ.

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 ἐκεῖνον ἀμαρτήματα.] There is a play on the double sense of ἀμαρτεῖν, 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, Mantineus 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 τιμῶν, would seem to have been so far extended that an action for κακηγορία 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. έὰν τίς κακῶς εἶπῃ τινὰ τῶν κατοιχομένων, κἀν ὑπὸ τῶν ἐκεῖνων παίδων ἀκούσῃ κακῶς, ὡφε τῷ δήμῳ.] 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 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.

απὸ τοῦ τόκου] Boeckh (Publ. Ec. p. 113, Lewis²) estimates this at 720 drachmas according to the customary rate of interest, i.e. twelve per cent. —ικανῶν ἦν, i.e. I had to be content with that comparatively small sum for my education and maintenance.

§ 51. μεθ' αὐτῆς] 'In her own house,' which was separate from that of Mantias.—τούτους, Boeotus and his brother Pamphilus.

χορηγῶν—ἐξουσα] '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 χορηγεῖν and χορηγία were used of supplies in general, by Aristotle and later writers.—[e.g. Ethics i 10 § 15 τοῖς ἐκτός ἀγάθοις ἰκανῶς κεχορηγημένον and i 8 § 15 οὐ βάδιον τα καλὰ πράττειν ἀχορηγηγηγηγὴν ὑπά τω ἐπιθυμίᾳ; 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 ἑπιθυμίαν.

οὐκ ἵππων ἐμοὶ] sc. ἀλλὰ πλείω ἐμοὶ.

tούτως ἐγκαλεῖν] vzs. τῆς προϊκός. 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:

αισχιστικάς ἐδόθηκες ωνήσομαι μετάλλα,

and see Boeckh, Dissert. p. 650.

πρὸς τούτοις ἐνειμάην] 'I shared the mines with them, while the whole sum borrowed I had to pay myself.' Cf. Or. 39 § 6, and 36 § 10.

εἰς τὴν τοῦ πατρὸς ταφὴν] For examples of the large expenses incurred in this filial duty, see Boeckh, Publ. Ec. p. 114.

ὅταν] '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.

ἐλαττούσθαι τι] 'To get (or consent to take) less than one's due;' 'to come off second best in a bargain.' Thuc. i 77, καὶ ἐλαττόσυνοι γὰρ ἐν ταῖς ἰμμακικαῖς πρὸς τοὺς ἰμμακικοὺς δίκαιοι—φιλοδικεῖν δοκοῦν. Hence Aristotle's ἐλαττωτικός, one who is disposed not to press his full claims, but take somewhat, opposed to ἀκριβοδίκαιος. See Or. 56 § 14.
The only passage in which the word is found in the Attic orators. S.

Violent, vehement. Eur. Hipp. 443, Κύπρις γάρ οὖν φορητός, ἦν πολλή ῥυή. The repetition of the word may be compared with the formula καλὸς καλὸς, Theoc. viii 73, Pind. Pyth. ii 73, Plat. Phaedr. p. 228 b, ἱδὼν μὲν ἱδὼν ἡσθη. ib. p. 242 b, δεινὸν, ὦ Φαίδρε, δεινὸν λόγον—ἐκόμισας.

54. μηδὲ—νομιζέτω. 'Let him think that his neighbour does not know it either.'

ἄλλ' ἄξιονω] '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 παρέχωμαι is used in the medial sense. It is formed regularly as if from παρασχέω, a secondary present of παρασχεῖν. 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.

ἀποδιαιρήσας μον] ‘To have given the decision in my favour.’ See sup. § 17. There was an appeal (ἐφεσις) 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.

ἐγκαταληπτεῖν] A synonym of ἔξεσται.

ἐν ύμίν] See 39 § 1.

56. ἐγκαταληπτεῖν. Probably it here means, ‘if you should leave (have left) me in the hands of the enemy,’ So Arist. Eth. Nic. ν 4, εἰ ἐγκατέλησε τὸν παραπάτην (ἡ ἐπαναφορά) ἐπὶ δειλίαν. Thuc. iv 44, ἔχοντες τοὺς ἑαυτῶν νεκροὺς πλῆθυ δυνοῦ, οὕς ἐγκατέλησαν οὐ δυνάμενοι εὑρέσαι. Plat. Symp. p. 179 λ, ἐγκαταληπτεῖν τὰ παιδικὰ ἢ μὴ ἄνθρωποι κυνούντες. Hesiod (Ἑργ. 378) applies it to one who dies with an heir to succeed him, γηραιὸς δὲ θανὼς ἔτερων παῖδι ἐγκαταληπτέω, and so Plato (Symp. p. 208 β), Kennedy is not quite exact in rendering it ‘if you abandon me.’


τὴν ἧλικίαν αὐτῆς] ‘Her size,’ staturam, G. H. Schaefer. For Mantitheus had married at 18, sup. § 12.

ἐξειλομέθα] εξαιρετον ἐποιησά-
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.

This is said as a sort of apology for introducing a new matter, and one in fact alien to the subject.

"Is in the habit of spending."
οὐκ οἶδεν ὅτι μάρτυρες μὲν εἰσὶν οὐτοί, οἷς μηδὲν μέτεστι τοῦ πράγματος, περὶ οὗ ἡ δίκη ἐστὶν, ἀντιδίκοι δὲ οἱ κοινωνοῦντες τῶν πραγμάτων, περὶ δὲ αὖ ἄν 59 δικαίηται τις αὐτοῖς; ὁ Κρίτωνι συμβέβηκεν. ἔτι δὲ τοσοῦτων ὑμῶν ὄντων, ὥς ἄνδρες δικασταὶ, καὶ τῶν ἄλλων Ἀθηναίων πολλῶν, ἄλλος μὲν οὐδεὶς αὐτῷ παραγενέσθαι μεμαρτύρηκε, Τιμοκράτης δὲ μόνος, ὥσπερ ἀπὸ μηχανῆς, μαρτυρεῖ μὲν δεκάτην ἐστίκασι τοῦτῳ 1026 τοῦ ἐμὸν πατέρα, ἥλικιῶτης ὅν τοῦ νυνὶ φεύγοντος τήν δίκην, φησί δὲ πάνθ' ἀπλῶς εἰδέναι ᾧ ὅ τούτοις

οἷς μηδὲν μέτεστι] Ad quos res parum pertineat, de qua disciplectatur. The subjunctivity of the second clause cannot be expressed with the same subtlety in English or in Greek as in Latin. In what way Crito could be truly said κοινωνεὶν τοῦ πράγματος, does not appear. Perhaps Mantithenus regards him as conspiring with Boeotus to get possession of the property: or perhaps some negotiations had passed concerning the sale, which Crito regarded, or pretended to regard, as final and obligatory.

§§ 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.

πολλῶν] scil. ὄντων, cum magnus sit numerus, G. H. Schaefer.

ὡσπερ 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.]

ἀ δῆ] 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 νῦν 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.'
συμφέρει, μαρτυρεῖ δὲ νυνὶ μόνος Κρίτων παρεῖναι, ὅτε παρ’ ἐμοῦ τὴν οἰκίαν ἐσχῆτο. ὅ τίς ἀν ὑμῶν πιεστεύσειν; ἀλλ’ οὐ μόνον ἐπιτρέπει μὴ νυνὶ δικάζομαι, ἀλλὰ περὶ προκός, ἢ ἐπενεγκαμένης τῆς μητρὸς οἱ νόμοι κελεύουσιν ἐμὲ κομίζεσθαι. ὥστε καθάπερ ὑμῖν ἐγὼ δο καὶ ἐκ μαρτυριῶν πολλῶν καὶ ἐκ τεκμηρίων ἐπέδειξα ἐπενεγκαμένην μὲν τὴν μητέρα μου τάλαντον προίκα, οὐ κομισάμενον δὲ τούτ’ ἐμὲ ἐκ τῆς πατρίας οὐσίας, ἐξαρέτου δ’ ἤμων γενομένην τὴν οἰκίαν εἰς ταῦτα, οὔτω κελεύετε καὶ τούτου ἐπιδεικνύναι ὑμῖν ἢ ὡς ὦκ ἀλήθη λέγω ἢ ὡς οὐ προσήκει μοι κομίσασθαι τὴν προῖκα: περὶ τούτων γὰρ ὑμεῖς νυνὶ τὴν ψήφον οἴσετε. ἔαν δὲ δι’ ἡ μὴ ἔχων περὶ ὧν φεύγει τὴν δίκην μήτε μάρτυρας ἀξίον δρέως παρασχέσαθαι μήτ’ ἀλλο πιστὸν μηδέν, ἐτέρους παρεμβάλλῃ λόγους κακουργῶν καὶ βοᾶ ὁ καὶ σχετικάζῃ μηδέν πρὸς τὸ πρᾶγμα, πρὸς Διὸς καὶ θεῶν μή ἐπιτρέπετε αὐτῷ, ἀλλὰ βοηθεῖτε μοι τὰ δίκαια ἕξ ἀπάντων τῶν εἰρημένων, ἐνθυμοῦμενοι ὧτι πολὺ δικαιώτερον ἐστὶ τὴν τῆς ἐμῆς μητρὸς προίκα τῇ ἐμῇ θυγατρὶ εἰς ἐκδόσιν ὑμᾶς ψηφίσασθαι, ἡ Πλαγγόνα καὶ τού-

1 Bekk. om. cum rA1.  
2 Bekk. ἐνεγκαμένης Ζ cum Σ.

πότερα—ἡ μή] More correctly, perhaps, ἢ οὐ, 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.

ἐπενεγκαμένης] Cum domum intulerit.

60. ἐξαίρετον] Sup. § 14.

61. παρεμβάλλῃ] 'If he goes on introducing irrelevant topics.' Ar. Vesp. 481, τούτο γὰρ παρεμβαλούμεν τῶν τριχούλων ἐπῶν. 

βοηθεῖτε 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 ενθυμοῦμενοι ὧτι, κ.τ.λ. is exegetical of τὰ δίκαια, and the two together stand in contrast.

—ἕξ ἀπάντων, κ.τ.λ., 'which all the reasons I have urged show me to be entitled to.' Kennedy.

Πλαγγόνα] The subject to ἄφελεσθαι. 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.
OR. LVI.

KATA ΔΙΟΝΥΣΟΔΩΡΟΥ ΒΛΑΒΗΣ.

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 Α¹ 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 (ἅμφοτερόπλοιος, § 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 τῷ Ἀγυντῷ ἄρεαντος, § 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 ἡμπορικαί, 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 ἄρεαντος (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.
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33); vectigalibus Africae Aegyptique praepositus (Curtius iv 8, 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 (σαν υπηρέται... Κλεομένους τοῦ ἐν τῇ Αἰγύπτῳ ἀρξαντος) shows that the ἀρχή 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—322, 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 οὖτε γὰρ τῷ Πλήθει τῷ υμετέρῳ συμφέρει τοῦτο (§ 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 reasons.

It closes with an appeal to Demosthenes (αξιῶ δὲ καὶ τῶν φιλων μοι τινα συνειπεῖν. δεῦρο, Δημοσθενεῖ). A. Schaefer suggests that some early transcriber may have added

1 So also Schwarze, De orat. kατὰ Δ. (Göttingen, 1870) p. 18 f.

2 Praef. p. xiv 'addimus etiam de Or. 56 nobis videri dubium 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 falsa addictarum 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-
χιλιας δραχμὰς ἐπὶ τῷ πλεῦσαι αὐτὸν εἰς Λύγπτον
κάκείθεν αὕτης Ἀθήναζε, καὶ λαμβάνουσι μὲν ὑπο-
θίκην τὴν ναῦν, διομολογοῦνται δὲ καὶ τόκους ὅσους
5 ὁφειλον Ἀθήναζε καταπλεῦσαντος Διονυσοδώρου κο-
μίσασθαι. Διονυσοδώρος δὲ ἀναπλέων ἐκ τῆς Αἰγύπ-
του, τῇ Ἐρώτῳ προσεχῶν, ἐκεῖ τὸν γόμον ἐξέθετο, ὡς
μὲν αὐτὸς φησὶ, διὰ τὸ ραγίσαι τὴν ναῦν καὶ εἶναι

* Bekk. ὁφελον 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:
δαρειῳ καὶ πάμφιλῳ κατὰ διο-
νυσοδωρον. He is identified by
Boeckh (Staatschauschildung, ad-
denda to 2nd Germ. ed. p. x)
with the person mentioned in
an inscription referring to the
year Οl. 114, 2 = b.c. 323—2:
Δαρειῳ [ἐν Σκα]μβωνιδῶ[νυκ]οβη-
τι Η Η Η...His partner Pamphi-
lus is probably the Egyptian
mentioned in Mid. § 163, τὸν
μέτοικον ἐξέπεμψε τὸν Διογύπτιον
Πάμφιλον. Possibly Pamphilus
is, like other μέτοικοι, 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. S.]

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
Dionysodorus should have sail-
ed back to Athens.' Cf. § 5.

7. ἐξέθετο] The same as ἐξελ-
λετο, Or. 34 (πῶς Φορμ.) § 8,
inf. §§ 10, 20.
σαθρὰν, οὕς δὲ Δαρείος λέγει, διὰ τὸ πυθέσθαι τὸν σίτον 'Αθήνασιν εὐθὺν ὅντα· τὴν γὰρ ναῦν σφαν οὐ υπάρχειν φησὶ καὶ πλεῦν ἐτὶ καὶ νῦν. οἱ μὲν οὐν δανείσαντες καὶ κατηγοροῦσι τοῦ Διονυσοδόρου παραβεβηκέα την συγγραφῆν, διὸτι τὴν υποθήκην, τουτεστὶ τὴν ναῦν, οὐ παρόσχεν ἐμφανῆ, καὶ ἀπαίτοῦσιν αὐτὸν τοὺς ὁμολογηθέντας τόκους τελείους· ὁ δὲ οὐ 15 πάντας ἀποδίδοναι βουλεῖται, ἀλλὰ πρὸς λόγον τοῦ πλοῦ τοῦ πλευσθέντος.

Κοινωνός εἰμὶ τοῦ δανείσατον τοῦτον, ὁ ἄνδρες δικασταὶ. συμβαίνει δ᾽ ἥμιν τοῖς κατὰ θάλατταν τὴν 1283 ἔργασίαν προσημείωσι καὶ τα ἡμέτερος αὐτῶν ἐγχειρίζουσιν ἐπέρει ἐκεῖνο μὲν σαφῶς εἰδέναι, ὅτι ο δανειζόμενος ἐν παντὶ προέχει ἡμῶν. λαβὼν γὰρ ἀργύριον φανερὸν καὶ ὁμολογούμενον, ἐν γραμματείδιῳ δυνῷ

b Bekk. om. Z.  c ἡμέτερα Z.

10. σφαν υπάρχειν] i.e. ἑτι σφαν εἷσαι.
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.

προσημείωσι] προσάρέσων ποιησάμενοι. So § 48, τολλοὶ τῶν κατὰ θάλατταν ἐγράφασθαι προσημείωσι, and § 50.—ἐγχειρίζουσιν, i.e. προσημείωσιν.

γραμματείδιῳ] Cf. ἐν γρ. τὰ
χαλκοῦν ἐωνημένω καὶ βιβλιδὼς μικρὸ πάνυ τήν ὀμολογίαν καταλέιποτε τοῦ ποιήσεω τά δίκαια. ἦμεῖς δ' οὖ φαμέν δώσειν, ἀλλ' εἰθύς τῷ δανειζομένῳ δίδομεν 2 τὸ ἀργύριον. τῷ οὖν ποτὲ πιστεύοντεσ καὶ τὶ λαβώντεσ τὸ βέβαιον προϊέμεθα; ὑμῖν, ὦ ἀνδρεσ δικασταί, καὶ τοῖς νόμοις τοῖς ὑμετέροις, οὔ κελεύοντιν, ὅσα ἂν τις ἐκὼν ἐτερος ἐτέρῳ ὀμολογήσῃ, κύρια εἶναι. ἀλλὰ μοι δοκεῖ οὔτε τῶν νόμων οὔτε συγγραφῆς οὐδεμιᾶς ὁφελοῦν εἶναι οὐδὲν, ἂν ὁ λαμβάνων τὰ χρήματα μη πάνυ δίκαιος ἢ τὸν τρόπον καὶ δυοῖν θάτερον, ἢ ὑμᾶς δεδιώς 3 ἢ τῶν συμβαλόντα αἰσχυνόμενος. ὃν οὐδέτερον πρόσεται Διονυσοδώρῳ τούτῳ, ἀλλ' εἰς τοσοῦτον ἥκει τόλμης ὡστε δανεισάμενος παρ' ἡμῶν ἐπὶ τῇ νη τρισχλίας δραχμας ἐφ' ὧ τε τὴν ναῦν καταπλείν

ψευδὴ μαρτυρεῖν, Ὀρ. 54 § 37.—δυοῖν χαλκοῦν, a fourth of an obol. βιβλίδῳς] 'sur un tout petit morceau de papier' Dareste, who adds in a note 'c'était bien du papier, c'est-à-dire du papyrus, et nous voyons par là quel en était le prix.' § 2. In doing this, we trust to the law and its administrators, and in particular to the legal principle, that all voluntary compacts 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.

τί λαβώντες τὸ βέβαιον] 'What do we get as our security when we part with our money?' Cf. § 15.

προϊέμεθα (or προϊέμα) is the usual term for 'lending on risk,' 'sacrificing on a venture,' the notion being that of flinging away, projeicere. Cf. Or. 36 § 6. The active is so used in Ar. Nub. 1214.

τὸν συμβαλόντα] The contributor or provider of the loan, thence called συμβαλάντων, from the 'bringing together' of the contracting parties.

§ 3. But Dionysodorus is not honest: he borrowed under promise 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.

τρισχλίας] 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 therefore its real value might have been as much as a talent" (6000 drachms).
'Αθήναξ, καὶ δέων ἡμᾶς ἐν τῇ πέρυσιν ὥρα κεκομί-
σθαι τὰ χρήματα, τὴν μὲν ναῦν εἰς 'Ῥόδου κατεκόμισε
καὶ τὸν γόμον ἐκεῖσε ἐξελόμενος ἀπέδωτο παρὰ τὴν
συγγραφὴν καὶ τούς νόμους τοὺς ὑμετέρους, ἐκ δὲ τῆς
'Ῥόδου πάλιν ἀπέστειλε τὴν ναῦν εἰς Λύγωπτον κάκει-
θεν εἰς 'Ῥόδου, ἡμῖν δὲ τοὺς 'Αθήναξι δανείσασιν οὐδὲ-
πο καὶ νῦν οὔτε τὰ χρήματα ἀποδίδοσιν οὔτε τὸ ἐνέχυρον καθίστησιν εἰς τὸ ἐμφανές, ἀλλὰ δεύτερον
ἐτος τοὺτο καρποῦμενοι τὰ ἡμέτερα, καὶ ἔχουν τὸ τε 4
dάνειον καὶ τὴν ἐργασίαν καὶ τὴν ναῦν τὴν ὑποκειμένην
1284 ἡμῖν, οὐδὲν ἦπτον εἰσελήλυθε πρὸς ύμᾶς δηλοῦτι ὡς
ἐξελώσων ἡμᾶς τῇ ἐποβελίᾳ καὶ καταθησομένοι εἰς
τὸ οἶκημα πρὸς τὸ ἀποστείρει τὰ χρήματα. ὑμῶν
οὖν, ὃ ἄνδρες 'Αθηναῖοι, ὁμοίως ἀπάντων δεόμεθα

* δηλον οτι Bekker st. οτι in margine manu antiqua additum, Σ.
* δηλον Ζ.

ἀφα] Properly ‘the ripening
time,’ applied to harvest and vintage, and then to the safe
time for sailing. In § 30 it is ἡ
ἀφα. On the time granted for
paying loans on bottomry, see
Publ. Econ. 189.—κεκομίσας,
middle, ‘when we ought to have
got back our money in the sea-
son of last year.’ Kennedy.
ἐκεῖσε] for ἐκά, as in § 25.
τοὺς νόμους] Cf. inf. § 10.
τὸ ἐνέχυρον] i.e. τὴν ὑποθή-
κην, τὴν ναῦν.
4. τὴν ἐργασίαν] The privi-
lege of trading with it.
τῇ ἐποβελίᾳ] 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. 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 defend-
ant, in compensation; and that
if we do not pay it, he will get
us put into prison till we do.
The term καταθέσας is used (as
in several places by Thucy-
dides) of depositing captives or
hostages in a place of security.
The use of τὸ οἶκημα for the
debtors’ prison is remarkable.
Hesych. οἶκημα τὸ δεσμωτη-
ρον. Cf. Or. 32 § 29, ei δὲ
μὴ κατέστησαν (τοὺς ἐγγυητᾶς),
eis τὸ οἶκημα ἀν ἤς, and 24 §§
131, 135, 136. For the sense,
cf. Or. 35 § 46. Kennedy ren-
ders it ‘putting us in the lodg-
ing.’ Boeckh (Publ. Ec. 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 epo-
belía was received by the success-
ful 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 (ἐξωθεὶν).

eis 'Ρόδον ἢ εἰς 'Αθήνας] An alternative of this kind seems to have been commonly allowed in contracts; so Or. 35 § 10, eis Μενόν ἢ Σκιώνην. Here their proposal eis '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 ἑτερόπλους see ibid. pp. 57—8.

dιομολογησάμενοι] See Argum. 1. 4.

6. eis ἑτερον ἐμπόρον—'Αθήνας] See Or. 34 § 37.

προσομολογοῦσι] They enter into an additional agreement. See Or. 37 § 49.
δανείζονται παρ' ἡμῶν ἐπὶ τῇ νη τρισχιλίας δραχμᾶς ἀμφοτερόπλουν, καὶ συγγραφήν ἐγράφαντο ὑπὲρ τούτων. ἐν μὲν οὖν ταῖς συνθήκαις δανειστῆς ἐγράφη Πάμφιλος οὖτος· ἔγὼ δ' ἔξωθεν μετείχον αὐτῷ τοῦ δανείσματος. καὶ πρῶτον ἤμιν ἀναγνώστηκαί αὐτήν τῆς συγγραφῆς.

ΣΤΙΓΜΑΦΗ.

Κατὰ ταύτην τῆς συγγραφῆς, ὥ安县 δικασταὶ, 7 λαβόντες παρ' ἡμῶν τὰ χρήματα Διονυσόδωρος τε οὖτοι καὶ ὁ κοινωνός αὐτοῦ Παρμενίςκος ἀπέστελλον τὴν ναῦν εἰς τὴν Ἀιγυπτίαν ἐνθένδε. καὶ ὁ μὲν Παρ-1285 μενίςκος ἐπέπλεε ἐπὶ τῆς νεώς, οὔτος γὰρ ὁ αὐτοῦ κατέμενεν. ἦσαν γὰρ, ὅ安县 δικασταὶ, ὥ安县 μηδὲ τούτο ἀγνοῆτε, ὑπηρέτας καὶ συνεργοὶ πάντες οὕτω Κλεομένου τοῦ ἐν τῇ Ἀιγυπτίᾳ ἁρξαμος, ὅς εἶ οὖ τὴν ἄρχην παρέλαβεν οὐκ ὀλλά κακὰ εἰργάσατο τὴν πόλιν τὴν ἴμετέραν, μᾶλλον δὲ καὶ τοὺς ἄλλους Ἑλληνας, παλιγκαπηλεύων καὶ συνιστάς τὰς τιμὰς ἀμφοτέροπλουν] See Or. 31 (프ός Φορμ.) § 6. [Harpocration, s. v. Δημ. ἐν τῷ κατὰ Διονυσό-δώρον' ὅταν τίς ναυτικῶν δανεισθή δάνειον ἐπὶ τῷ καὶ ἐνθένδε πλευ-σάλλοι κακείδεν ἐνθάδε, τούτῳ ἀμφοτέροπλουν καλείται. S.]

ἐγὼ] Darius, who called himself κοινωνός τοῦ δανεισμάτος, § 1.
§ 7. 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.

Κλεομένου] 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.)

παλιγκαπηλεύων] 'By retailing, or perhaps 'by petty jobbing.' Hesych, παλιγκάπη-λος· ὁ μεταβόλος· ὁ τὸ αὐτὸ ἤε ἀγρόφαλλοι καὶ πιλότοι. [Schol. on Ar. Plut. 1156, ὁ ἀπὸ τοῦ ἐμπό-ρου ἀγρόφαλλοι καὶ πιλότοι. (Dem.) 25 § 46, καπηλός πονηρίας καὶ παλιγκάπηλος καὶ μεταβολεύων. See Büchsenschütz, Besitz u.
§ 7—10

Erwerb, p. 455. 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 'forestallers 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, τινά, on the corn laws. For part of the Athenian law on the subject, cf. Lysias, Or. 22 κατά τῶν σιτοπώλων, esp. § 6, παρεσχέματα τῶν νόμων (against engrossing), ὃς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλείον σίτων πενητικονα φορμών συνοδεύσαι. S.]

καὶ οὕτω] Dionysodorus and Parmeniscus. By πάντες οὕτω 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.

ταῖς ἐμπορίαις] 'With the cargoes.' The dative depends on the ἐπὶ, meaning that he was guardian and director of them. So Or. 35 § 16, τὸν ὅ ἀδελφὸν ἑαυτοῦ Ἀρτέμωνα πλεύσασθαι ἐπὶ τοῖς χρήσμαι, and 32 § 12 ὁ παρ ἡμᾶν ἐπιπλέων.

πρὸς τὰς κ.τ.λ.] 'According to the market (or average) prices.' So Or. 34 § 30, διεμετρήσαμεν ὑμῖν τῆς καθεσθηκίας τιμῆς, int. § 10.

γράμματα] 'Letters of advice.'

τίμων] 'Dear,' opp. to ἄξιος, 'cheap.' Ar. Ach. 758, πῶς ὁ σῖτος ὑνίος; Μ. παρ ἀμε πολυτίματος, ἀπερ τοι θεοὶ.

συνετιμήθη] It appears likely that we should read ἐπετιμήθη, 'the price was raised,' as in Or. 34 § 39. The σὺν may have crept in from συνιστάς just above, which some wrongly explained in the same sense. [ἐπετιμήθη was preferred by Wolf, but συνετιμήθη is recognized by Suidas. 'The price
of corn-imports was manipulated through such letters and complots, i.e. the price was managed 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.] 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 consented to return to that mart. But supplies from Sicily meanwhile had brought down prices: accordingly advices are sent to intercept the ship on her return voyage at Rhodes, and so, regardless 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.’

Συκελικὸς κατάπλους] ‘When the Sicilian convoy arrived,’ lit. ‘When the Sicilian sailing to land took place.’ Vessels laden with corn are meant.

ἐπ’ ἐλαττόν ἐβατίδιζον] Or. 32 (Σημ. Θρ. § 25, ὡς δὲ δεύρο ἡκοντος αὐτὸν καὶ περὶ ταῦτα πραγματευόμενον ἐπανήκεν ὁ σῖτος (‘the price of corn had gone back’), ἀλλὰν εὐθέως ἐλαβε γνώμην.

ἀνήκτο] ‘Had already set sail for Egypt.’

tανθένε καθεστηκότα] ‘The market-prices (current or established prices) here.’ Or perhaps, ‘that prices here were steady,’ as inf. § 10. He uses ἐνθένυ for ἐντάθε α on account of ἀποστέλλει, according to a very common idiom.

ἀναγκαῖον εἰ] Perhaps to take in water or provisions.

10. πέρας δ’ οὖν] ‘In fine,’ ceterum. See on Or. 37 § 43. Equivalent to ὥνα δὲ μὴ μακρὰ λέγω. The construction of the long sentence following is irregular. He might have said, ἐπειδὴ ἔλαβε ὁ Παρμενίςκος—ἐξαιρεῖται τὸν σῖτον καταφρονήσας κ.τ.λ., and the plural καταφρονήσαντες 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 λαβών γάρ—ἀποδίδοται as parenthetical, and to suppose that πράγμα ποιόσι διευήθάτων was intended to follow after εὔχοισε, 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.

καθεστηκώις] 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 καταστάς means 'compose yourself and say.' Ar. Equit. 865, ὅταν ἡ λίμνη καταστῇ.

τοῦ ἐπιβάτης] "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 §§ 1, 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.

τὸ ἀρχιτέκτονοι] So Ar. Pac. 335, πρὸς τά' ἥμαν, εἶ τι χρῆ ὅραν, φράζε καρχιτέκτονει.

ἀγανακτούντες] 'Expressing our indignation.'
§ 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.

§ 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.

The usual hypothesis or attraction of ἅν to the negative ἐφαμεν ὄτι ὃν ἐν συγγραφής δικαίως πειθό-

1287 μενος. ὃς δ’ ἥμεις ὃν ἐν ἐφαμεν συγχρονίσαι οὖδὲν 13

1 μηδαμός (Dobree) καταπλευσεῖται Ζ.
j +δη Ζ. [δη] Bekk. cum Reiskio.  
k βούλεσθε Ζ.  
1 αὐτῷ Ζ.

οὐδὲν μᾶλλον] Tametsi redi-tum 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.

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The usual hypothesis or attraction of ἅν to the negative ἐφαμεν ὄτι ὃν ἐν συγχρονίσαιν. See 
37 § 16, and 40 § 10.
§§ 13—15

that, offering however to cancel it in so far as it was paid. To this he would not consent, and so to this day he has paid us nothing.

υμετέρων πολιτῶν] Hence it follows that the speaker and his partner were not citizens, but μέτοχοι. Cf. note on Argument, I. I. S.

απὸ ταὐτομάτου] It seems better to construe this with συνεβούλευν, 'volunteered the advice,' than (as Kennedy takes it) with παραγενόμενοι, '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.]

κρίνεσθαι] 'To go to law,' 'to have the matter decided by a jury.'

μὴ καθομολογεῖν] 'Not to accept as full payment.' The kātā here seems to have the same
force as in καταγοράζειν, Or. 34 § 7, ‘to agree to as against the debt.’

έπαττοῦσθαι] ‘To take something less than our rights.’ See Or. 40 § 53.

όμοσε πορευόμενος] 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 ήμω, i.e. ἐγγύς. Photius, ὀμόσε· άμοι εἰς τὸν αὐτὸν τόπον· ἡ ἔξ ἐναντίαις.—όμοσε ταῖς λάγχαις έναι, ἀντὶ τοῦ ἐξ ἐναντίαις εἰς τὸ αὐτὸ ἐξεσθαί. 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 halfway;’ [M. Dairest has; prêts à le suivre, and Blass (III 525) notices it as used peculiarly for συγχωροῦντας].

ἄναιρεῖσθε] See Or. 34 § 31.

15. ήμείς κ.τ.λ.] ‘We cancel it! Nothing less likely.’ ‘The last thing in the world!’ Lit. ‘not more than we would do anything.’—άλλα κ.τ.λ. ‘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.

§ 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 ἑτοιμων ὑτων] A kind of attraction to ἡμων λεγόντων above. = ως ἑτοιμων ἡμων ὑτων, 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 αξιοῦμεν, ως ἑτοιμῳ ὑτες, κριθήσαι, which, thrown into the (genitive) absolute, becomes αξιοῦντων ως ἑτοιμῳ ὑτων κριθήσαι." (Mr Mayor, p. 251.)

ῥᾳ δικαστήρων... δη[ ] Cf. Or. 55 § 20, ῥᾳ δικαστήρων ἑστι διενότατον, εἰ κ.τ.λ. Isocer. Paneg. § 128 n. Madvig, Gr. Synt. § 197. S.]
παρ’ ἐτέρων εἴσπράττει ναυτικοῦς τόκους ἀπὸ τῶν ἡμετέρων χρημάτων, οὐκ Ἀθήνησι δανείσας οὐδ’ εἰς Ἀθήνας, ἀλλ’ εἰς Ὁδὸν καὶ Ἀγυπτίουν, ἡμῖν δὲ τοῖς δανείσασιν εἰς τὸ ύμετέρον ἐμπόριον οὐκ οἴεται δεῖν τῶν δικαίων οὐδὲν ποιεῖν. ὅτι δ’ ἀληθῆ λέγω, ἀναγνώσεται ὡμίν τὴν πρόκλησιν ἢν ὑπὲρ τούτων προκαλεσάμεθ’ αὐτὸν.

ΠΡΟΚΛΗΣΙΣ.

Ταῦτα τοίνυν, ὡς ἀνδρεῖς δικασταί, προκαλεσαμένοι πολλάκις καὶ ἐπὶ πολλάς ἡμέρας ἐκτιθέντων τὴν πρόκλησιν, εὑρίσκειν ἐφι παύτελὼς ἡμῖν εἶναι, εἰ ὑπολαμβάνομεν αὐτὸν οὐτως ἀλογίστως ἔχειν ὡστ’ ἐπὶ διαίτησίν την βαδίζειν, προδηλοῦν ὅντος ὅτι καταγνώσεται αὐτοῦ ἀποτίσαι τὰ χρήματα, ἔξον αὐτῷ ἐπὶ τὸ δικαστήριον ἥκειν φέροντα

[ναυτικοῦς τόκους] 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 ἐφερρας, while in Or. 50 (πρὸς Πολυκ.) § 17, the ναυτικὸς τόκος is ἔτερος.—τὴν πρόκλησιν, see Or. 39, Argum.

οὐκ οἴεται δεῖν] ‘He thinks he is not bound.’ In this formula, as in ὁ δὲ φημὶ &c., the infinitive is virtually negatived. See § 47. Thuc. i 33 § 3, τὸν δὲ πόλεμον, δὲ ὅπερ χρῆσιμον ἄν εἴηται εἰ τις ἤμων μη οἴεται ἐσεθαι, ‘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. προτιθέντων.

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. [ἐκθεῖναι (τοῖς νῦσιοι) πρόσθεν τῶν ἐπωφημον] 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 § 33. There is no proof that documents connected with private suits were published in the same place. S.]

ἐπὶ διαίτησίν την βαδίζειν] cf. § 15 and see note on 53 § 15. S.

P. S. D.
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. γραφάμενον] '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, διπλά δ' ἕτεσαν Πραμάλαι δᾶμαρια.

ἀπέδεικτο] Notice the variety of indicatives depending on εἰ, and expressing fact, κατακεκομικέν, ἀποδίδωσι, ἀπέδεικτο, τολμᾶ.

διαπεραγμένον] This is frequently found in the middle sense (35 § 26; cf. κεκομισθα, § 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,
not a few of which are also used in a passive sense, as διαπραγμένος in tragedy means 'done for.' Mr Mayor says, "it is curious that Demosthenes and Plato seem never to employ the active διαπράσεων.'

συγκεκωρηκέναι αὐτῷ τοὺς τόκους τούς εἰς Ῥώδων·

The simple accusative generally implies the ceding of something to another. So σύγκεκωρηκέναι λα-

not a few of which are also used in a passive sense, as διαπραγμένος in tragedy means 'done for.' Mr Mayor says, "it is curious that Demosthenes and Plato seem never to employ the active διαπράσεων.'

τολμᾶ βλέπειν εἰς τὰ ύμετέρα πρόσωπα; ἀ δὴ λέγει 21 πρὸς ταύτ ' ἀκούσατε. φησὶ γὰρ τὴν ναῦν πλέουσαν εἰς Αἰγύπτου παγηναί, καὶ διὰ ταύτ ' ἀναγκασθῆναι καὶ προσχείν εἰς τὴν Ῥώδου κάκει εξελέσθαι τὸν σίτου καὶ τούτου τεκμήριον λέγει, ὡς ἔρ' ἐκ τῆς Ῥώδου μυσθόσαιτο πλοῖα καὶ δεῦρ' ἀποστειλεῖν τῶν χρημάτων ἔνια. ἐν μὲν τούτ' ἐστιν αὐτῷ μέρος τῆς ἀπολογίας, δεύτερον δ' ἐκεῖνο' φησὶ γὰρ ἐτέρους τινὰς δανειστὰς 22 συγκεκωρηκέναι αὐτῷ τοὺς τόκους τοὺς εἰς Ῥώδου δεινὸν ὡν, εἰ ἡμεῖς μὴ συγχωρήσομεν ταύτα ἐκεῖνοι. τρίτον πρὸς τούτοις τὴν συγγραφῆν κελεύειν φησίν αὐτόν περιθέεσθαι τῆς νεώς ἀποδοῦνα τὰ χρήματα, τὴν δὲ ναῦν οὐ σεσώσθαι εἰς τὸν Πειραιᾶ. πρὸς ἐκαστὸν δὴ τούτων, ὡ ἄνδρες δικασταὶ, ἀκούσατε ἄ λέγομεν δίκαια.

not a few of which are also used in a passive sense, as διαπραγμένος in tragedy means 'done for.' Mr Mayor says, "it is curious that Demosthenes and Plato seem never to employ the active διαπράσεων.'

τολμᾶ—πρόσωπα;] Or. 34 § 19, εἰς τὰ ύμετέρα πρόσωπα ἐμβλέποντα. This is one of the parallels quoted by Blass, Att. Ber. πρ. 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 προσχείν καὶ—κ. τ. λ.] '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. συγκεκωρηκέναι] This may be called a brief expression for συγχωρεῖν δεύσασθαι. The simple accusative generally implies the ceding of something to another. So συγκεκωρηκέναι λα-
23. Πρώτον μὲν τὸ ραγήναι τὴν ναῦν ὅταν λέγη, οἷμαι πᾶσιν ὑμῖν φανερὸν εἶναι ὅτι ψεῦδεται. εἰ γὰρ τοῦτο συνέβη παθεῖν τῇ νη, οὔτ' ἂν εἰς τὴν Ῥόδου εἰσώθη 1290 οὔτ' ἂν ὑστερον πλοῖμος ῥ. νῦν δὲ φαίνεται εἰς τὴν Ῥόδου σωθεῖσα καὶ πάλιν ἐκείθεν ἀποσταλείσα εἰς Ἀιγυπτιον καὶ ἐτι καὶ νῦν πλέοσα πανταχός, πλὴν οὖν εἰς ὅθ' Ἀθήνας. καίτοι πῶς οὐκ ἄτοπον, ὅταν μὲν εἰς τὸ Ἀθηναίων ἐμπόριον δεήσῃ κατάγειν τὴν ναῦν, ραγήναι φάσκειν, ὅταν δ' εἰς τὴν Ῥόδου τὸν σιτὸν ἐξελέσθαι, τηρικαῦτα δὲ πλοῖμον ῥ. οὔσαν φαίνεσθαι τὴν αὐτὴν ναῦν;

24. Διὰ τί οὖν, φησίν, ἐμισθωσάμην ἐτερα πλοῖα καὶ μετεξειλόμην τὸν γόμον καὶ δεῦρο ἀπέστειλα; ὅτι, ὅ ἀνδρες ὅθ' Ἀθηναίοι, οὗ τῶν ἀπάντων ἀγωγίμων οὖθ' οὕτως ἂν κύριοι οὖθ' ὅ κοινωνίας αὐτοῦ, ἀλλ' οἱ ἐπιβάται τὰ ἐαυτῶν χρήματ' ἀπέστελλον, οἷμαι, δεῦρο ἐν ἐτέροις πλοῖοις ἐξ ἀνάγκης, ἐπειδὴ προκατέλυσαν οὕτως τὸν πλοῦν ὄν μὲντοι αὐτοὶ ἦσαν κύριοι, οὐ ταῦτ' ἀπέστελλον πάντα δεῦρο, ἀλλ' ἐκλεγόμενοι τίνων αἱ

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bev, § 26. The next sentence is quoted in Bekker's Anecdota, p. 141, 16, deinon oin ei µη ἡμεῖς συγχωρήσομεν.

§§ 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 ῥ. G. H. Schaefer suggests εἰ τίνων.

[The sense implied by τίνων
is '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.]

iii. 25. ἀνεικέναι] 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.

τῷ πλατὶ] The dative is much more common with the person, as συγχρόνος σοι.

§ 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, οὐδὲν ἄδικείς, εἰ δὲ μὴ πεποίηκας μηδὲ κατακεκόμικας τὴν ναῦν Ἀθήναζε, προσήκει σε ζημιοῦσθαι τῷ ἐπιτιμῷ τῷ ἐκ τῆς συγγραφῆς· τούτῳ γὰρ τὸ δίκαιον οὐκ ἄλλος οὐδείς, ἄλλος αὐτὸς σὺ σαυτῷ ὀρίσας. δεῖξον οὖν τοὺς δικασταίς δυνῶν θάτερον, ἢ τὴν συγγραφήν, ὡς οὐκ ἔστιν ἡμῶν κυρία, ἢ ὡς οὐ δίκαιοι εἰ πάντα κατὰ ταύτην πράττειν. 28 εἰ δὲ τινες ἀφείκασι τί σοι καὶ συγγεχωρίκασι τοὺς εἰς 'Ρόδου τόκους ὅτε δὴποτε τρόπῳ πεισθέντες, διὰ ταύτα οὐδὲν ἄδικείς ἡμᾶς, οὐς παρασυγγεγράφηκας εἰς 'Ρόδου καταγαγὼν τὴν ναῦν; οὐκ οἶομαι γε' οὐ γὰρ τὰ ὑφ' ἐπέρων συγκεχωριμένα δικάζοσιν οὗτοι νῦν, ἄλλα τὰ ὑπ' αὐτοῦ σοῦ πρὸς ἡμᾶς συγγεγραμμένα. ἐπεὶ ὅτι γε καὶ τὸ περὶ τὴν ἄφεσιν τῶν τόκων, εἰ ἀρα γέγονεν ὡς οὗτοι λέγουσι, μετὰ τοῦ συμφέροντος τοῦ 29 τῶν δανειστῶν γέγονε, πᾶσιν ὡμίν φανερὸν ἔστιν. οἱ γὰρ ἐκ τῆς Αἰγυπτοῦ δανεισαντες τούτοις ἑτερόπλοπνοι


§ 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-

συγγραφῶν 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 συνκυρίων, προξενεῖν τῷ τῶν (Or. 37 § 11, 53 § 13). It is intransitive, § 34. Similarly, in Or. 54 (κατὰ Κον.) § 2, a man is said παρανεομολογεῖα, and in Παραπτ. § 198, one is said παροικεῖσθαι, and we have πλεονεκτεῖσθαι, ἀράστοκτατείσθαι, ἀδυμοκτατείσθαι, &c.

29. οἱ γὰρ κ.τ.λ.] This serves as the subject to ἀφίκωντο, though it involves a change of subject in οὐτοῖς. But the writer intended some other construction in what follows than οὐδὲν διέβηκεν αὐ-

τοῖς, e.g. ἥθελον οὐ κρείττον ἐνόμιζον.
tāργύριον εἰς Ἀθήνας, ὡς ἀφίκοντο εἰς τὴν 'Ρόδου καὶ τὴν ναῶν ἐκείστε οὖτοι κατεκόμισαν, οὐδὲν, οἷμαι, διεφερεν αὐτοῖς ἀφεμένοις τῶν τόκων καὶ κομισμένοις τὸ δάνειον ἐν τῇ 'Ρόδῳ πάλιν ἐνεργοῦ ποιεῖν εἰς τὴν 1292 Αἰγυπτίου, ἀλλ' ἐλυσιτέλει πολλῷ μᾶλλον τούτῳ ἡ δεῦρ' ἐπαναπλεῖν. ἐκεῖσε μὲν ἵπειον ὁ πλοῦς, 30

* Bekk. ἀφεμένοις Z cum Fθ; ἀφικόντο Σ.

γὰρ ἀκέραιος Z cum FθΣ. γε ἀκαραιός Bekk. 'ἀκέραιος quidem neque tutus (ἀκινδύνος), neque identidem redintegratus, neque nunquam interruptus asquam aliam host iter vi didetur; ἀκαραιός autem nil nisi aut momentaneus aut minutissimus significat. Fortasse igitur scribendum: ἑκεῖσε μὲν γὰρ ἐπέρα ὁ πλοῦς (Hesiodi Op. 628, 663 ὁ πλοῦς πλώος). Huic opponitur ἑπερα παραχράσεις καὶ περιμένει τὴν ὁρᾶν. Cf. Pindari Isthm. πὶ 42 = 62 ἐπιτροποιοτῷ μὲν Φῶν θεραίας (ponto Euxino aestate tantum aperto), ἐν δὲ χειμῶνι πλέων Νεῖλου πρὸς ἀκτάσ (navigatione e Sicilia ad Aegyptum ne hieme quidem intercussa).—Hiberno silecit tempore propter maris Aegei procellas inter Athenas Rhodumque multo minus tuta est navigatio, quam inter Rhodum et Aegyptum, ubi ventus fere semper ab occasu solis spirat, in alterutram partem navigantibus satis commodus; aestatis autem tempore quadraginta dies e regione inter Boream Zephyrumque iacente (sc. e Rhodo ad Aegyptum) perflant Etesiae (J. Smith, Voyage and Shipwreck of St Paul, pp. 72, 76). Etiam χειμῶνος prope Cnidum (i.e. iuxta Rhodum) invenimus tās ἀπ' Αγύπτου ὀλκάδας (Thuc. vii 35).—J. E. Sandys.

τῶν τόκων] sc. τῶν ἐς Αθήνας, 'giving up the interest due from Rhodes to Athens.'

ἐπαναπλεῖν] 'To make the return voyage.' Or, 'to commence a new voyage to Athens' (Kennedy). "Rursus evhej in altum, huc ut appellerent" (G. H. Schaefer).—ἐκεῖσε 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.'

ἀκέραιος] Properly 'pure', (Eur. Hel. 48, ἀκέραιον λέχος), or 'unimpaired,' ἀκ. δύναμις, Thuc. iii 3. But it seems here to take a later sense, analogous to ἐξ ἀκεραίῳ, de integro, 'anew,' which is quoted from Polybius xxiv 4 § 10 τα ἡμ. πάλιν ἐξ ἀκεραίον περὶ πάντων ἀντιλέγοιην,
kaὶ δὲς ἡ τρίς ὑπῆρχεν αὐτοῖς ἐργάσασθαι τῷ αὐτῷ ἀργυρίῳ· ἐνταῦθα δὲ ἐπιδημήσαντας παραχειμάζειν ἐδει καὶ περιμένειν τὴν ὁραίαν. ὡςτε ἐκεῖνοι μὲν οἱ δανεισταὶ προσκεκέρδηκασι καὶ οὐκ ἀφείκασι τούτους οὐδέν· ἡμῖν δὲ οὐκ ὡς περὶ τοῦ τόκου ὁ λόγος ἐστὶν, ἀλλ' οὐδὲ τάρχαία ἀπολαβεῖν δυνάμεθα.

31 Μὴ οὖν ἀποδέχεσθε τούτους φενακίζοντος ὑμᾶς καὶ τὰ πρὸς τοὺς ἄλλους δανειστὰς πεπραγμένα παραβάλλοντος, ἀλλ' ἐπὶ τὴν συγγραφὴν ἀνάγετ' αὐτῶν* καὶ τὰ ἐκ τῆς συγγραφῆς δίκαία. ἔστι γὰρ ἐμοὶ τέ λοιπὸν διδάξαι ὑμᾶς τοῦτο καὶ οὕτως ἰσχυρίζεται τῷ αὐτῷ τούτῳ, φασκόν τὴν συγγραφήν κελεύειν σωθείσης τῆς νεώς ἀποδιδόναι τὸ δάνειον. καὶ ἡμεῖς τάτα ὦντω

* Bekk. αὐτήν Ζ συμ Σ.

ἐγγραπτον ὑπὲρ τῶν ὁμολογομένων [ἐποιοῦτο]; ἐφ' ὁ πάντες ἐπέβαλον τὰς ιδίας σφραγίδας. The only other meaning it could here take is 'safe,' 'unharmed,' (incolumis, tuta navigatio, G. H. Schaefer). Perhaps however, we should keep ἀκαραιῶν, 'short,' which is the vulgata lectio, retained by Bekker. Hesych. ἀκαραιῶν: τὸ βραχὺ, τὸ ὀλύγον.—ἀκαραιὰ ῥίπτη (ῥοπὴ Salmasius') ὀλύγη, μικρά. [Bekker's Anecdota p. 203, 25 (Λεξεὶς ῥητορικαί), ἀκαραιῶν: τὸ βραχὺ. 363, 28 μικρὸν, βραχὺ, ῥοπῆ.] The rarity of the word would partly account for the corruption. The voyage from Egypt to Rhodes, if not really short, is relatively so to a voyage from Egypt to Athens. [But in direct distance it is as 370 miles is to 590; and it took at least four days, Diodorus iii 34. S.]

[τήν ὁραίαν] See § 3. The adjective is used like τρόπαία, with the ellipse of αὐτα, in Aeschylus, Cho. 775. Apoll. Rh. 3, 1390 μίμων ἐς ὁραίην.

§ 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 ἀνέχεσθαί, 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., οὐτε τῶν τά τρόπαια καὶ τὰς μνάχαις 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 ποιημένου.
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 ἀπόλολας, this suggests the sense 'lost' rather than 'damaged' or 'spoiled' by springing a leak; though either gives a good sense.
euryiskesthai tois tokon parastrongraphykotes, kai autoi men polla chrýmati eirynasménoi parata thn sintugían thn eis 'Ródon, tá de 'hmedera chrýmati exonutes kai 35 karptoumenoi deúteron estos touti. kainotaton de esti pántwn to ygnómewnon to men yar dánievon to árchaión apodidóasen hmin ois seosoménes ths nevhs, touis tokous de apostereíasai ointai dein ois diepharmeis. kaítoi h sýngraphi oux étera men lêgei peri tou toy tov, étera de peri touo árchaiou daneismatos, allá tá dikai 36 taúta peri ámfoi ésti kai h práxeis h auti. anánagnwdei de moi palin thn sýngraphin.

ΣΤΙΓΡΑΦΗ:

'Akoutete, ó andres 'Athanaiou' 'Athynthev, phosin, eis Áignupton kai éx Áignupton 'Athanaze. lêge ta loipá.

ΣΤΙΓΡΑΦΗ.

37 'Andres 'Athanaiou, panu aploou esti diaigrónavai

f +[ 'Athynthev eis Áignupton kai éx Áignupton 'Athanaze.] Z. delevit Dobree.

§ 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.

to dánievon] Perhaps tov dåveIon, which will be the genitive after both to árchaiou and tovó tokous. So below it is probable that tovó árchaiou tovó daneismatos is the true reading, and that in § 37 dánievon should be omitted after árchaiou. G. H. Schaefer would omit to árchaiou —aráchiou—aráchiou. Mr Mayor (p. 252) has no difficulty in rendering the vulgate 'the original debt.' Possibly dánievon in § 37 crept in from a gloss.

h FSΦ. dikastai Bekk. 1824.

§§ 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 Peiraeus, 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 ἀπλοῦν. The same antithesis occurs in Eur. Phoen. 469, ἀπλοῦς ὁ κάθος τῆς ἄλλης ἔφυ, καὶ ποικίλων δει τάνδεις ἐμμηνευμάτων. [Dem. 9 § 37. oúdeν ποικίλων οὔδὲ σοφόν, 29 § 1, εἰ μὲν ἰδίειτο λόγον τινός ἡ ποικιλία 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 Δακρ.) §§ 11, 24. In Aesch. Suppl. 309, Ἑπαφός ἀληθῶς ῥυσίων ἐπώνυμος (if the verse is genuine), the meaning is that the name was given from ῥυσίων ἐφάπτεσθαι, 'to lay hands on booty.'
§§ 38—43

39. 'Εστιν οὖν ὁποίοι παρέσχηκας ἐμφανῆ τὴν ναῦν, ἄφ' οὖ τά χρῆματα ἐλαβες παρ' ἡμῶν, ὁμολογῶν σφαν' εἶναι αὐτὸς; ἢ καταπέπλευκας ἐξ ἐκείνου τοῦ χρόνου εἰς τὸ Ἀθηναίων ἐμπόριον, τῆς συγγραφῆς διαρρήκτων λεγοῦσις εἰς τὸν Πειραιᾶ κατάγειν τὴν ναῦν καὶ ἐμ-

40. φανῇ παρέχειν τοῖς δανείσασιν; καὶ γὰρ τοῦτο, ὁ ἀνδρὲς Ἀθηναίοι. θεάσασθε τὴν ὑπερβολὴν, ἐφράγη ἡ ναῦς, ὡς φησίν οὖτος, καὶ διὰ τοῦτο εἰς 'Ρόδον κατη-

γαγεῖν αὐτὴν. οὐκόων τὸ μετὰ τοῦτο ἐπεσκενάσθη καὶ πλωίμος ἐγένετο. διὰ τί οὖν, ὁ βέλτιστε, εἰς μὲν τὴν Ἀγιντοῦν καὶ τὰλλα ἐμπόρια ἀπέστειλε αὐτὴν,'Ἀθη-

ναζε δ' οὐκ ἀπέστειλας οὐδέπω καὶ νυνὶ πρὸς ἡμᾶς τοῖς δανείσαντας, οἰς ἡ συγγραφὴ κελεύει σε ἐμφανῇ καὶ ἀνέσαφον τὴν ναῦν παρέχειν, καὶ ταῦτ' ἄξιοντων ἡμῶν καὶ προκαλεσαμένων σε πολλάκις; ἀλλ' οὖτως 1295


§§ 39, 40. We have never seen the ship that was mort-
gaged to us from the day we lent you the money, though you say she is 'all right,' she put in at Rhodes and was over-
hauled, 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 τετύ-

χηκα, formed as from (σχέω) σχήσω, (τυχέω) τυχήσω. See Or. 40 § 54. The epic perfect of ἔχω is ἐχωκα, if the Homeric language is in all cases genuine.

40. καὶ γὰρ τοῦτο] So τεκ-


Mr Mayor refers to Holmes' note on De Coron. p. 268, § 122, where the same formula occurs, and p. 43, 1. 15, p. 442, 1. 7, p. 568, 1. 12, are compared, with ἐπι κάκεινος in p. 1097, 1. 5, ἐνθυμητέον being mentally sup-

plied.

ἐπισκενάζεων] the technical term for repairing a ship. (Lit. 'to put fittings to it'), inf. § 43. See Thuc. i 29, ξεζαντες τε τὰς παλαιὰς ὡστε πλωίμους εἶναι καὶ τὰς ἄλλας ἐπισκενάσαντες,' 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.'

§§ 41, 42. Though in fact
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?

"prostagma" 'Dictation.' Like επέταττεν in § 16, an invidious word contrasted with συγγραφή. 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.

αποθάνων] The legal penalty for not producing the security was death. See Or. 34 § 50.

42. εκόντες καί οίκα είς ανάγκης] So Aesch. Eum. 520, εκών ανάγκας άτερ δίκαιον ων.

§ 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.
ός υμᾶς ἀπεστελλον, ἐπανορθούμενοι τὸ ἀκούσιον σύμπτωμα. νῦν δ' οὖν ὤπως ἐπανορθώσαντο
, ἀλλὰ πρὸς τοῖς ζέ ἄρχης ἀδικήμασι πολλῷ μεῖζω προσεξημαρτή-
κας, καὶ ἀσπέρ ἐπὶ καταγέλωτι ἀντιδικούντες ἑσελη-
λύθασιν, ώς ἐπ' αὐτοὶς ἐσόμενον, ἐάν καταγχήψησθε
αὐτῶν, τάρχαια μόνον ἀποδοῦναι καὶ τοὺς τόκους.

44 ύμεῖς οὖν, ὁ ἄνδρες Ἀθηναῖοι, μὴ ἐπιτρέπετε τούτοις
οὕτως ἔχουσι, μηδὲ ἐπὶ δυὸν ἅγκυραν ὅρμειν αὐτοὺς.

m ἐπηνωρθώσαντο Ζ. (Cf. Veitch, Gk. Vbs.)

n τοῖς Bekk. 1824 cum Alτ.

.ws υμᾶς] i.e. Ἀθηναῖος.

ἐπανορθούμενοι] 'Doing all

they could to repair the un-

avoidable mischief.' The

indicative of the aorist of this
verb generally takes the double
augment, ἐπηνωρθώσαντο, like

ἡφη, ἦπησχε, &c.

σύμπτωμα] Here synonymous

with συμφορά (τὸ συμβᾶν above).
The word is used by Thuc. iv 36

and is not unfrequent in

Aristotle, but this is the only

passage in which it is found in

Demosthenes. This point is

adduced by A. Schaefer (who

quotes Phrynichus, p. 248) as

bearing on the doubts some-
times entertained on the genu-

ineness of the speech (Dem.

u. s. Zeit iii 2, p. 311). S.]

οὐχ ὤπως] Compare § 30,

Or. 34 § 14, and 54 § 22, οὐχ

ὀπως ἀπέτρεψεν,—ἀλλ' αὐτὸς

ἡγεμῶν γεγένηται. Mid. § 11,

οὐ γὰρ ὄπως τὸ σῶμα ὑπεξεσθαι

τοὺς ἐν ταῦταις ταῖς ἡμέραις

—ἐφεξο τρέφει, ἀλλὰ καὶ κ.τ.λ.

i.e. non modo (non), sed, &c.

§ 44. Do not then let these

men rest secure in the confidence

that they can keep other men's

property, if they can get a

verdict in their favour, or if

not, that at least they will not

be fined. Fine them, we say;

for it is not reasonable that you

should be more lenient to them

than they were to themselves

when they consented to the

penalty.

ἐπὶ δυὸν ἅγκυραν] When a

ship came to the shore, she

had her stern to the land,

where it was fastened by the

προμαχίασιν, and her head to

the sea. An anchor, or, in case of

rough weather, two anchors

from the bows, held her in that

position. To ride on one

anchor was considered rather

insecure. Hence, Helena says

in Eur. Hel. 277, ἄγκυρα δ' ἦ μον

τὰς τόχας ἄχει μόνη, and Hecuba

in the play of that name (80),

ὅς μόνος οίκων ἅγκυρ' ἐτ' ἐμὼν

κ.τ.λ. Hence too we see the

precise point in Pind. Ol. vi 100,

ἀγαθαί δὲ πέλαγον ἐν χειμε-

ρίᾳ νυκτί θοᾶς ἐκ νᾶς ἀπε-

σκιμφαί δι' ἄγκυρα, which is

incorrectly explained in Dr

Donaldson's note. [De Cor. p.

240, § 281, οὐκ ἐπὶ τῆς αὐτῆς (sc.

ἄγκυρας) ὅρμεῖ τοῖς πολλοῖς. Ἀπο-

τολίου, centuriae vii 61 in the

Paroemigraphi Graeci Π 412

ἐπὶ δυὸν ὅρμεῖ: δηλότι ἅγκυ-

ραν' λέγεται ἐπὶ τῶν ἀστεμφῶς

ἐχόντων. Aristides, Panath.
1296 ἐάτε, ὁς, ἐὰνο μὲν κατορθῶσι, τὰλλότρια ἔξοντας, ἐὰν δὲ μὴ δύνωνται ἐξαπατηθῆναι ὑμᾶς, αὕτα τὰ ὁφειλόμενα ἀποδοῶσοντας· ἀλλὰ τοῖς ἐπιτιμίοις ἔχομοντε τοῖς ἐκ τῆς συγγραφῆς· καὶ γὰρ ἂν δεινὸν εἰρὴ αὐτοὺς μὲν τούτος διπλασίαν καθ’ αὐτῶν τὴν ἡμείαν γράψαςθαι, ἐάν τι παραβαίνωσι τῶν ἐν τῇ συγγραφῇ, ὑμᾶς δ’ ἦπιωτέρως ἔχειν πρὸς αὐτοὺς, καὶ ταῦτ’ οὐχ ἠττον ἡμῶν συνηδικήμενους.

Τὰ μὲν οὖν περὶ τοῦ πράγματος δίκαια βραχέα 45 ἐστὶ καὶ εὐμνημόνευτα. ἐδανείσαμεν Διονυσοδόρῳ τοὺτῳ καὶ τῷ κοινωνῷ αὐτοῦ τρισχιλίας δραχμᾶς Ἀθηνηδεῖν εἰς Ἀἰγυπτόν καὶ ἐξ Ἀἰγυπτοῦ Ἀθηναῖε· οὐκ ἀπειλήφαμεν τὰ χρήματα οὐδὲ τοὺς τόκους, ἀλλ’ ἔχουσι τὰ ἡμέτερα καὶ χρῶνται δεύτερον ἔτος· οὐ κατακεκομίσατι τὴν ναῦν εἰς τὸ ὑμέτερον ἐμπόριον οὐδέπω καὶ νῦν, οὐδ’ ἡμῖν παρεσχήκασιν ἐμφανῇ· ἡ δὲ συγγραφή κελεύει, ἐάν μὴ παρέχωσιν ἐμφανῇ τὴν

Α’Στ. ἂν Ζ.

110, καὶ πάντες ἐπὶ δυνὸν ὁρμεῖν ἔδοξαν οἱ Ἐλληνες, όπου της Σχολιαστος ὑποστείκει ἐκ μεταφοράς τῶν πλεύσσων, ὅταν ἢ δυσὶν ἁγκύρας ὀρμώνεται ἢ ὅταν ἐλλημένσεις μὲν, προσχρώνει δὲ καὶ ἁγκύρα διὰ πλείστην ἀσφάλειαν. Propert. π. 22, 41 'nam melius duo defendunt retinacula navim.' S.]

ἐξαπατηθῆσαι τὰ περί προκρούσσαθαι in § 18.

αὕτα τὰ ὁφειλόμενα] Ἔσονδε τοῦ δείχνῃ τοις ὑμῖν, ἐβραίος ὑμῖς, ἐκ τοῦ ἐπιτίμων.

οὐχ ἠττον ἡμῶν] Because the taking corn to Rhodes against the laws was a public offence.

§ 45. Recapitulation. Prin-

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 ἐπίλογος, one of the objects of which is recapitulation (ἀναφέρεσι τὰ προειρημένα, ib. 19), is unnecessary in a forensic speech ἐὰν μικρὸς ὁ λόγος ἢ τὸ πράγμα εὐμνημονέυτον. S.]

p. 1296] ΔΙΟΝΥΣΟΔΩΡΟΣ ΒΛΑΒΗΣ. 255
vain, ãποτίνειν αυτούς διπλάσια τά χρήματα, τήν δὲ 46 πράξεν εἶναι καὶ εξ ἐνός καὶ εξ ἀμφοῖν. ταῦτ' ἕχοντες τὰ δίκαια εἰσεληλύθαμεν πρὸς ύμᾶς, ἀξιοῦντες τὰ ἡμέτερα αυτοὺς ἀπολαβεῖν δι' ύμῶν, ἐπειδὴ παρ' αὐ- τὸν τούτων οὐ δυνάμεθα. ο μὲν παρ' ἕμων λόγος οὕτως ἔστων, οὗτοι δὲ δανείσασθαι μὲν ὀμολογοῦσι καὶ μὴ ἀποδεδωκέναι, διαφέρονται δ' ὡς οὐ δεῖ τελεῖν αὐτοὺς τοὺς τόκους τοὺς ἐν τῇ συγγραφῇ, ἀλλὰ τοὺς εἰς Ἐρῶν, οὕς οὔτε συνεγράψαντο οὐτ' ἐπείσαν ἕμαι. 47 εἰ μὲν οὖν, ὃ ἄνδρες Ἀθηναῖοι, ἐν τῷ Ῥόδιων δικα- στηρίῳ ἐκρινόμεθα, ἵσως ἀν οὕτως ἐπλεονέκτουν ἕμών, σεσηκυηκότες πρὸς αὐτοὺς καὶ καταπεπλευκότες τῇ 1297 νη ἐις τὸ ἐκείνων ἐμπόριον. νῦν δ' εἰς Ἀθηναίους εἰσ- εληλυθότες καὶ συγγραφάμενοι εἰς τὸ ὑμέτερον ἐμπό- ριον οὐκ ἄξιοῦμεν ἐλαττωθῆναι ὑπὸ τῶν καὶ ἕμαι καὶ ἕμαι ἡδικηκότων. 48 Χωρὶς δὲ τούτων, ὃ ἄνδρες Ἀθηναῖοι, μὴ ἀγνοεῖτε ὃτι νυνί μιᾶν δίκην δικάζοντες νομοθετεῖτε ὑπὲρ ὅλου τοῦ ἐμπορίου, καὶ παρεστάσθη τολμῆτο τῶν κατὰ θά-

46. διαφέρονται, ἀμφισβητοῦσιν] 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. στηγεύων ἐν καταπλέυσαι.  
oük 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.  
pαρεστάσατο] So also in Or.  
54 § 41 we have a pointed allusion to the bystanders in court, ὑμῶν ἔνεκα, ὃ ἄνδρες δι- κασταί, καὶ τῶν περιστηκότων.
λατταν ἐργάζεσθαι προαιρετικον ὡμᾶς θεωροῦντες πῶς τὸ πράγμα τοῦτο κρίνετε. ἐὰν μὲν γὰρ ὑμεῖς τὰς συγγραφὰς καὶ τὰς ὁμολογίας τὰς πρὸς ἀλλήλους γνωριμένων ἰσχυρὰς οἶνοςεθεὶ δεῖν εἶναι καὶ τοῖς παραβαλούσι τῶν μηδεμίων συγγραφὴν ἔξετε, ἔτοιμοτερόν προῆσονται τὰ ἐαυτῶν οἱ ἐπὶ τοῦ δανείζεων οὗτος, ἐκ δὲ τούτων αὐξηθῆσηται ὡμίον τὸ ἐμπόριον. ἐὰν 49 μέντοι ἐξέσται τοῖς ναυκλήροις, συγγραφὴν ἡγαφαμένοις ἐφ' ὃ τε πλεῖν εἰς Ἀθῆνας, ἐπειτα κατάγειν τὴν ναῦν εἰς ἑτέρα ἐμπόρια φάσκοντας ῥαγῆναι καὶ τοι-αὐτὰς προφάσεις ποριζομένους οἴαιστερ καὶ Διονυσίδωρος οὕτωςι χρὴται, καὶ τοὺς τόκους μερίζειν πρὸς τὸν πλοῦν ὃν ἀν ἡμῖνοι τε πεπλευκέναι, καὶ μὴ πρὸς τὴν συγγραφὴν, οὔδὲν κωλύσθη ἀπαντα τὰ συμβόλαια διαλύσθαι. τὴν γὰρ ἐθελήσει τὰ ἐαυτοῦ προέσθαι, 50 ὅταν ὃρᾳ τὰς μὲν τὰς συγγραφὰς ἀκύρους, ἰσχυοῦσας δὲ τοὺς τιμίουσι λόγους, καὶ τὰς αἰτίας τῶν ἡδικηκῶν ἐμπροσθεῖν οὕτως τῷ δικαίῳ; μηδαμῶς, ὃ ἄνδρες δικασταὶ οὕτε γὰρ τῷ πλήθει τῷ ὑμετέρῳ συμφέρει τὸν οὕτε τοῖς ἐργάζεσθαι προαιρημένους, οὐτέρ κρησι-

\[\text{Bekk. 1824. o}^\text{e} \text{tode Z et Beckx. st. cum FSΦB.}\]

\[\text{Bekk. om. m}^\text{εν} \text{Z cum FSΦB.}\]

\[\text{προαιρημένων} \] See § 1, and inf. 50.

\[\text{πῶς κρίνετε} \] Perhaps κρυνεῖτε, which is a marginal reading in the Paris edition and was preferred by Reiske.

\[\text{ἐπὶ τοῦ δανείζεων} \] In the profession or practice of money-lending. —ἀυξηθῆσεται τὸ ἐμπόριον, cf. 34 § 52.

\[\text{§§ 49, 50. If on the other hand, ship-owners may violate their bond and take their ship to any port under pretence of its being disabled, and then apportion the interest due to the voyage sailed, there will be an end of all obligation by contract. No man will lend his money if he sees that such lame excuses have weight in court. This is not to your interest, nor to that of traders, who are most important members of the state, and therefore should be protected. καὶ μὴ πρὸς τὴν συγγραφὴν} \] Supply ἄποδοναι.

\[\text{50. αἰτίās} \] The pleas or reasons.
μωτατοι εισι και κοινη πασιν υμιν και ιδια τω εν-
τυγχανοντι. διόπερ δει υμας αυτων επιμελειαν ποι-
1298 ειςθαι.

'Εγω μεν ουν, οσαπερ οιος τη ην, ειρηκαν άξιω δε
και των φιλων μοι τινα συνειπειν. δευρο, Δημοσθενες.

τη εντυγχανοντι] 'To all who have dealings with them.' See 31 § 51.

dευρο, κ.τ.λ.] See Or. 34, ad fin., καλω δε και άλλων των
των φιλων, εαυ κελευτη. [Or. 58 (Theocrin.) ad fin. βοηθον
ημων ο δεινα, ε τι εχεις, και συ-
νειπε. ανάβηθι. Blass, Att. Int. 521, suggests that the pre-
sent speech originally ended

with δευρο ο δεινα, and that, on
the speech finding its way in-
to the Demosthenic collection,
ο δεινα got altered into Δημο-
σθενης. A. Schaefer, on the
other hand, supposes that it was
the mention of Demosthenes
that led to its being included
among his works (ii 2, 314).
See Introd. ad fin. S.]
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