

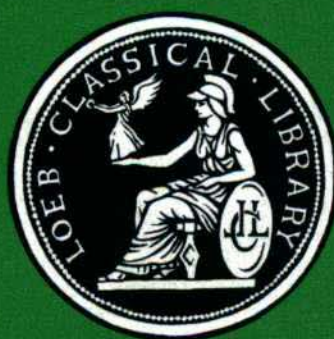
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DEMOSTHENES

ORATIONS

XLI–XLIX

PRIVATE CASES



Translated by
A. T. MURRAY

DEMOSTHENES

PRIVATE ORATIONS

江苏工业学院图书馆

WITH AN ENGLISH TRANSLATION BY

W. MURRAY



HARVARD UNIVERSITY PRESS
CAMBRIDGE, MASSACHUSETTS
LONDON, ENGLAND

First published 1939
Reprinted 1956, 1964, 1990, 2004

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ISBN 0-674-99381-0

Printed and bound by Edwards Brothers, Ann Arbor, Michigan
on acid-free paper made by Glatfelter, Spring Grove, Pennsylvania

BIBLIOGRAPHY

The editions of *Demosthenes* in the Teubner and Oxford series.

Arnold Schaefer, *Demosthenes und seine Zeit*, Leipzig, 1858.

F. Blass, *Die attische Beredsamkeit*, ed. 2, Leipzig, 1893.

S. H. Butcher, *Demosthenes*, London, 1881.

A. W. Pickard-Cambridge, *Demosthenes*, New York and London, 1914.

C. R. Kennedy, *The Orations of Demosthenes*, translated with notes, etc., five vols. in Bohn's Classical Library.

R. Dareste, *Les Plaidoyers civils de Démosthène*, Paris, 1875.

W. H. Kirk, *Demosthenic Style in the Private Orations*, Baltimore, 1895.

S. Preuss, *Index Demosthenicus*, Leipzig, 1895.

A. Boeckh, *The Public Economy of Athens*, translated by Lewis, London, 1842; ed. 2, translated by Lamb, Boston, 1857.

K. F. Hermann, *Lehrbuch der griechischen Rechtsalterthümer*, ed. 3, revised by Thalheim, Freiburg, 1884.

G. F. Schoemann, *Antiquities of Greece*, translated by Hardy and Mann, London, 1890.

Gardner and Jevons, *Manual of Greek Antiquities*, New York, 1895.

L. Whibley, *Companion to Greek Studies*, Cambridge, 1931.

Meier und Schoemann, *Der attische Process*, revised by Lipsius, Berlin, 1883-1887.

Lipsius, *Das attische Recht*, 1905-1912.

TABLE OF ATHENIAN MONEY

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

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

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

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

CONTENTS

BIBLIOGRAPHY	vii
TABLE OF ATHENIAN MONEY	viii
AN UNKNOWN PLEADER AGAINST SPUDIAS IN THE MATTER OF A MARRIAGE PORTION	
Introduction	2
Text and Translation	4
UNKNOWN PLEADER AGAINST PHAENIPPUS, ON AN EXCHANGE OF PROPERTIES	
Introduction	28
Text and Translation	30
SOSITHEUS AGAINST MACARTATUS IN REGARD TO THE ESTATE OF HAGNIAS	
Introduction	57
Text and Translation	60
ARISTODEMUS AGAINST LEOCHARES REGARDING THE ESTATE OF ARCHIADES	
Introduction	123
Text and Translation	126

**APOLLODORUS AGAINST STEPHANUS,
CHARGED WITH FALSE TESTIMONY**

I. Introduction	173
Text and Translation	178
II. Introduction	242
Text and Translation	244

**UNKNOWN PLEADER AGAINST EVERGUS AND
MNESIBULUS, ABOUT FALSE TESTIMONY**

Introduction	269
Text and Translation	272

**CALLISTRATUS AGAINST OLYMPIODORUS,
AN ACTION FOR DAMAGES**

Introduction	332
Text and Translation	334

**APOLLODORUS AGAINST TIMOTHEUS IN THE
MATTER OF A DEBT**

Introduction	373
Text and Translation	376

AGAINST SPUDIAS

INTRODUCTION

POLYEUCTUS, an Athenian, had given his two daughters in marriage, one to the plaintiff in this suit (whose name is not mentioned) and the other to a certain **Leocrates**, his own wife's brother, whom he also adopted as his son, since he was himself without male issue.

The plaintiff maintains that in accordance with the marriage contract he was to have received with his wife a portion of forty minae. He received thirty minae outright, and it was agreed that the other ten should be paid to him after the death of **Polyeuctus**. For this payment **Leocrates** made himself responsible. After the lapse of some time a quarrel arose between **Polyeuctus** and **Leocrates**, and as a result **Leocrates** severed his connexion with the family, relinquishing his wife and with her the marriage portion. She was then given in marriage to **Spudias**, the defendant in the present suit, and **Polyeuctus** mortgaged his house to the plaintiff to secure for him the ten minae still due to him, giving directions in his will that pillars in witness of the mortgage should be set up on the property.

After the death of **Polyeuctus** the plaintiff brought this suit^a to recover the money due to him, and in

^a The plaintiff claims that he had wished to have the dispute settled out of court, but that **Spudias** had refused to

AGAINST SPUDIAS

addition made some further demands : first, that the defendant should pay him half a mina as his share of the cost of a funeral sacrifice offered in memory of Polyeuctus ; further, that Spudias should pay into the estate of Polyeuctus eighteen minae, which he had borrowed from his mother-in-law, and two minae as the cost of a slave whom he had purchased from Polyeuctus ; and also that he should return certain articles which he had borrowed. In support of his claims the plaintiff produces, along with various depositions, the will of Polyeuctus and some papers which his widow had left sealed at her death ; and he deals briefly with counter-arguments which it might be assumed his opponent would bring forward.

The genuineness of this oration was not doubted in antiquity, and it is generally accepted as an early work of Demosthenes. It is discussed by Schaefer, iii.² pp. 227 ff., and by Blass, iii. pp. 249 ff.

refer it to their common friends who were conversant with all the facts. The matter appears then to have been referred to an arbitrator (vol. i. p. 38, note *a*), or to a board of arbitrators (the singular is used in §12, and the plural in §28), whose decision must have been against the plaintiff since he appeals from their verdict to the Heliastic court.

ΔΗΜΟΣΘΕΝΟΥΣ

ΧΛΙ

ΠΡΟΣ ΣΠΟΥΔΙΑΝ ΥΠΕΡ ΠΡΟΙΚΟΣ

[1028] Ἀδελφὰς ἔχομεν, ὦ ἄνδρες δικασταί, γυναῖκας ἐγὼ καὶ Σπουδίας οὐτοσί, Πολυεύκτου θυγατέρας. ἄπαιδος δ' ἐκείνου τελευτήσαντος ἀρρένων παίδων, ἀναγκάζομαι πρὸς τοῦτον περὶ τῶν καταλειφθέντων δικάζεσθαι. καὶ εἰ μὲν, ὦ ἄνδρες δικασταί, μὴ πᾶσαν σπουδὴν καὶ προθυμίαν ἐποιησάμην, βουλόμενος διαλύεσθαι καὶ τοῖς φίλοις ἐπιτρέπειν, ἐμαυτὸν ἂν ἡτιώμην, εἰ μᾶλλον ἡρούμην δίκας καὶ 2 πράγματ' ἔχειν, ἢ μίκρ' ἐλαττωθεὶς ἀνέχεσθαι· νῦν δ' ὅσῳ πραότερον ἐγὼ καὶ φιλανθρωπότερον τούτῳ διελεγόμεν, τοσούτῳ μᾶλλον μου κατεφρόνει. καὶ νῦν κινδυνεύομεν οὐδὲν ὁμοίως πρὸς τουτονὶ τὸν ἀγῶν' ἔχειν, ἀλλ' οὗτος μὲν ῥαδίως φέρει πολλάκις εἰθισμένος ἐνταῦθ' εἰς ὑμᾶς παριέναι, ἐγὼ δ' αὐτὸ τοῦτο φοβοῦμαι, μὴ διὰ τὴν ἀπειρίαν οὐ δυνηθῶ δηλῶσαι περὶ τῶν πραγμάτων ὑμῖν· ὅμως δ', ὦ ἄνδρες δικασταί, προσέχετε τὸν νοῦν.

DEMOSTHENES

XLI

AN UNKNOWN PLEADER AGAINST SPUDIAS, IN THE MATTER OF A MARRIAGE PORTION

THIS man Spudias and I, men of the jury, are married to two sisters, daughters of Polyeuctus. Polyeuctus having died without male issue, I am forced to go to law with the defendant in regard to the property which has been left. And if, men of the jury, I had not shown all zeal and eagerness in my desire to find a settlement and to submit the matters at issue to our friends, I should have blamed myself for not choosing to suffer a trifling loss rather than engage in a troublesome lawsuit. But, as it is, ² the more gentleness and consideration I used in talking with the defendant, the more contempt he showed toward me. And now it appears that in my contest with him we are in no sense on equal terms, but he can take the matter lightly, since he has been accustomed to come often before you, whereas I fear this very thing, that because of my lack of experience I may prove unable to explain my case to you. None the less, men of the jury, I beg you to give heed.

3 Πολύευκτος γὰρ ἦν τις Τειθράσιος,¹ ὃν ἴσως οὐδ' ὑμῶν τινες ἀγνοοῦσιν. οὗτος ὁ Πολύευκτος, ἐπειδὴ οὐκ ἦσαν αὐτῷ παῖδες ἄρρενες, ποιεῖται Λεωκράτη τὸν ἀδελφὸν τῆς ἑαυτοῦ γυναικός. οὐσῶν δ' αὐτῷ δύο θυγατέρων ἐκ τῆς τοῦ Λεωκράτους ἀδελφῆς, τὴν μὲν πρεσβυτέραν ἐμοὶ δίδωσι, καὶ τετταράκοντα
 [1029]⁴ μνᾶς προῖκα, τὴν δὲ νεωτέραν Λεωκράτει. τούτων δ' οὕτως ἐχόντων, διαφορᾶς γενομένης τῷ Πολυεύκτῳ πρὸς τὸν Λεωκράτη, περὶ ἧς οὐκ οἶδ' ὅ τι δεῖ λέγειν, ἀφελόμενος ὁ Πολύευκτος τὴν θυγατέρα δίδωσι Σπουδία τουτῶι. μετὰ δὲ ταῦτ' ἠγανάκτει θ' ὁ Λεωκράτης, καὶ δίκας ἐλάγχανε Πολυεύκτῳ καὶ τουτῶι Σπουδία, καὶ περὶ πάντων ἠναγκάζοντ' εἰς λόγον καθίστασθαι, καὶ τὸ τελευταῖον διελύθησαν, ἐφ' ᾧτε κομισάμενον τὸν Λεωκράτην ἄπερ ἦν εἰς τὴν οὐσίαν εἰσηνηγεμένος, μήτε κακόνουν εἶναι Πολυεύκτῳ, τῶν τε πρὸς ἀλλήλους ἐγκλημάτων ἀπηλλάχθαι πάντων. τίνος οὖν ἔνεχ', ὑμῖν, ὦ ἄνδρες δικασταί, ταῦτ' εἶπον; ὅτι τὴν προῖκ' οὐ κομισάμενος ἄπασαν, ἀλλ' ὑπολειφθειςῶν χιλίων δραχμῶν καὶ ὁμολογηθειςῶν ἀπολαβεῖν, ὅταν Πολύευκτος ἀποθάνῃ, τέως μὲν ὁ Λεωκράτης ἦν κληρονόμος τῶν Πολυεύκτου, πρὸς ἐκείνον ἦν μοι τὸ συμβόλαιον· ἐπειδὴ δ' ὁ τε Λεωκράτης ἐξεκεχωρήκειν ὁ τε Πολύευκτος μοχθηρῶς εἶχε, τηνικαῦτ', ὦ ἄνδρες δικασταί, τὴν οἰκίαν ταύτην

¹ Τειθράσιος] Θριάσιος Blass and the mss. The correction is due to the discovery by the American excavators in the Athenian agora of a dedication which mentions "Cleiocrateia, daughter of Polyeuctus of Teithras, and wife of Spudias": see *Hesperia*, vi. (1937), p. 341.

AGAINST SPUDIAS, 3-5

Polyeuctus was a man of Teithras,^a not unknown, 3
it may well be, to some of you. This Polyeuctus,
since he had no male children, adopted Leocrates, the
brother of his own wife; but since he had two
daughters by the sister of Leocrates, he gave the
elder to me in marriage with a portion of forty minae,
and the younger to Leocrates.^b So matters stood, 4
when a quarrel came about between Polyeuctus
and Leocrates, as to the nature of which I know of
nothing which it is incumbent upon me to relate,
and Polyeuctus took away his daughter^c and gave
her in marriage to this man Spudias. After this Leo-
crates, being greatly incensed, brought suit against
Polyeuctus and Spudias here, and they were forced
to render an accounting in regard to all the matters
at issue, and in the end a settlement was reached on
the terms that Leocrates, on receiving back all that
he had brought into the estate, should be reconciled
with Polyeuctus, and that final releases should be
given from all demands made by each upon the
other. Now, why is it, men of the jury, that I have 5
told you this? Because I did not receive the whole
of my wife's portion, but a thousand drachmae were
left unpaid with the understanding that I should
receive them on the death of Polyeuctus; and so
long as Leocrates was the heir of Polyeuctus, it was
he who was responsible to me for the debt; but when
Leocrates had left the family, and Polyeuctus was
seriously ill, then, men of the jury, to secure the ten

^a Teithras was a deme of the tribe Oeneis.

^b Marriage between uncle and niece was allowed in ancient Athens. A man might even marry his half-sister (Oration LVII § 20).

^c This can mean only that he induced his daughter to go before the Archon and demand a divorce.

DEMOSTHENES

ἀποτιμῶμαι πρὸς τὰς δέκα μνᾶς, ἐξ ἧς διακωλύει
 6 με τὰς μισθώσεις κομίζεσθαι Σπουδίας. πρῶτον
 μὲν οὖν ὑμῖν μάρτυρας παρέξομαι τοὺς παραγενο-
 μένους, ὅτ' ἡγγύα μοι Πολύευκτος τὴν θυγατέρ'
 ἐπὶ τετταράκοντα μναῖς· ἔπειθ' ὥς ἔλαττον ταῖς
 χιλίαις ἐκομισάμην· ἔτι δ' ὥς ἅπαντα τὸν χρόνον
 ὀφείλειν ὡμολόγει μοι Πολύευκτος, καὶ τὸν Λεω-
 κράτην συνέστησε, καὶ τελευτῶν διέθεθ' ὅρους ἐπι-
 στῆσαι χιλίων δραχμῶν ἐμοὶ τῆς προικὸς ἐπὶ τὴν
 οἰκίαν.

Καί μοι κάλει τοὺς μάρτυρας.

[1030]

ΜΑΡΤΥΡΕΣ

7 Ἐν μὲν τοίνυν, ὦ ἄνδρες δικασταί, τοῦτ' ἔστιν
 ὧν ἐγκαλῶ Σπουδίᾳ. καὶ περὶ τούτου τί ἂν ἔτι
 μεῖζον ἢ ἰσχυρότερον ἔχων εἰς ὑμᾶς κατέστην, ἢ
 τὸν νόμον, ὃς οὐκ ἔᾱ διαρρήδην, ὅσα τις ἀπετίμη-
 σεν, εἶναι δίκας, οὔτ' αὐτοῖς οὔτε τοῖς κληρονόμοις;
 ἀλλ' ὅμως πρὸς τοῦτο τὸ δίκαιον ἦκει Σπουδίας
 8 ἀμφισβητήσων. ἕτερον δ', ὦ ἄνδρες δικασταί, δύο
 μὲν μνᾶς ἐμαρτύρησεν Ἀριστογέννης ἐγκαλεῖν ἀπο-
 θνήσκοντα Πολύευκτον ὀφειλομένας αὐτῷ παρὰ
 Σπουδίᾳ καὶ τὸν τόκον (τοῦτο δ' ἔστιν οἰκέτου
 τιμή, ὃν ἐωνημένος οὗτος παρὰ Πολυεύκτου, τὴν
 τιμὴν οὔτ' ἐκείνῳ διέλυσεν οὔτε νῦν εἰς τὸ κοινὸν
 ἀνενήνοχεν), ὀκτακοσίας δὲ καὶ χιλίας, περὶ ὧν
 9 οὐδ' ἔγωγ' οἶδα τί ποθ' ἔξει δίκαιον λέγειν. ἦν

* That is, as the person who would be responsible for payment after his own death.

AGAINST SPUDIAS, 5-9

minae, I took a mortgage on this house, the rents accruing from which Spudias seeks to prevent me from collecting. In the first place, then, I shall bring 6 before you as witnesses those who were present when Polyeuctus betrothed his daughter to me with a portion of forty minae; then I shall prove that what I received was less by a thousand drachmae; and further that Polyeuctus always admitted that he was in my debt, and that he introduced to me Leocrates as guarantor^a; and that at his death he directed by his will that pillars should be set up on the house in my favour for a thousand drachmae due on account of my wife's portion.

(*To the clerk.*) Please call the witnesses.

THE WITNESSES

This, then, men of the jury, is one of the charges 7 which I make against Spudias. And in this matter what stronger or more solid ground could I have in coming before you than the law which expressly ordains that, in all cases where men have given a mortgage, there shall be no right of action for them or for their heirs? But nevertheless it is to dispute this just provision that Spudias has come here. A 8 second claim, men of the jury, is the following: Aristogenes has deposed that Polyeuctus, when about to die, charged that there were due him from Spudias two minae with interest (this was the price of a domestic slave whom the defendant had bought from Polyeuctus, but had neither paid the money nor has now entered it in the general account); and furthermore there are eighteen hundred drachmae, regarding which I am myself at a loss to know what reasonable thing he will have to say. He had borrowed the 9

DEMOSTHENES

μὲν γὰρ τὸ ἀργύριον παρὰ τῆς Πολυεύκτου δεδανει-
 σμένος γυναικός, γράμματα δ' ἔστιν ἃ κατέλιπεν
 ἀποθνήσκουσ' ἐκείνη, μάρτυρες δ' οἱ τῆς γυναικὸς
 ἀδελφοὶ παρόντες ἅπασι καὶ καθ' ἕκαστον ἐπερω-
 τῶντες, ἵνα μηδὲν δυσχερὲς ἡμῖν εἴη πρὸς ἀλλήλους.
 οὐκοῦν δεινόν, ὦ ἄνδρες δικασταί, καὶ σχέτλιον,
 ἐμὲ μὲν ἀπάντων, ὧν ἢ παρὰ Πολυεύκτου ζῶντος
 ἦν ἐωνημένος ἢ παρὰ τῆς γυναικὸς εἶχον αὐτοῦ,
 καὶ τόκον τιθέναι καὶ τὴν τιμὴν ἀποδεδωκέναι, καὶ
 10 νῦν ἅπερ ὥφειλον πάντ' εἰς τὸ κοινὸν φέρειν, τοῦτον
 δὲ μήτε τῶν νόμων τῶν ὑμετέρων φροντίζειν μήθ'
 ὧν διέθετο Πολύευκτος μήτε τῶν καταλειφθέντων
 γραμμάτων μήτε τῶν συνειδότην, ἀλλὰ πρὸς ἅπαντα
 ταῦθ' ἦκειν ἀντιδικήσοντα.

Λαβὲ δὴ μοι πρῶτον μὲν τὸν νόμον, ὃς οὐκ ἐᾷ
 τῶν ἀποτιμηθέντων ἔτι δίκην εἶναι πρὸς τοὺς
 [1031] ἔχοντας, ἔπειτα τὰ γράμματα τὰ καταλειφθέντα
 καὶ τὴν μαρτυρίαν τὴν Ἀριστογένους.

ΝΟΜΟΣ. ΓΡΑΜΜΑΤΑ. ΜΑΡΤΥΡΙΑ

11 Βούλομαι τοίνυν, ὦ ἄνδρες δικασταί, καὶ περὶ τῶν
 ἄλλων ὧν ἐγκαλῶ καθ' ἕκαστον ὑμᾶς διδάξαι.
 φιάλην μὲν γὰρ λαβόντες παρὰ τῆς Πολυεύκτου
 γυναικὸς καὶ θέντες ἐνέχυρα μετὰ χρυσίων, οὐκ
 ἀνενηνόχασι κεκομισμένοι ταύτην, ὥς ὑμῖν Δημό-
 φλος ὁ θέμενος μαρτυρήσει· σκηνὴν δ' ἣν ἔχουσιν,
 οὐδὲ γὰρ ταύτην λαβόντες ἀναφέρουσιν· ἄλλα δὲ
 πόσα τοιαῦτα. τὸ δὲ τελευταῖον εἰσενεγκούσης τῆς

* The word literally means "tent," and it is so rendered
 10