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ARTICLE II.

REVIEW OF CHAMPLIN'S *ÆSCHINES*.

The Oration of Æschines against Ctesiphon, with notes by J. T. Champlin, Professor of Greek and Latin in Waterville College. Cambridge: John Bartlett, 1850.

Two editions of the oration of *Æschines* on the Crown have been presented to the American public. Of the first, prepared by Mr. Negris, a Greek then domiciliated in this country, it will not be thought harsh to affirm that the editor was very inadequate to his task; that his principles of criticism led him into the most rash alterations of the text; that he betrays great ignorance of Greek history and antiquities; and that he has either misinterpreted or passed over in silence the few difficult passages which interrupt the easy flow of this oration. Mr. Champlin, on the other hand, has adopted a reputable text; he has explained all the difficulties which demanded an explanation from his hands; and is usually *au courant* of Grecian antiquities. In one particular, to say nothing of others, he has improved upon his edition of the rival oration of Demosthenes, by more mastery over the English language in his translations, which in his earlier work are sometimes not a little awkward.

Mr. Negris published the orations of *Æschines* and Demosthenes together, but with no preface calculated to make known to the student how and why the suit was brought. Mr. Champlin's edition of the oration of *Æschines* being apparently an afterthought, he has not been able to pursue a well ordered plan, including both the orations. This is to be regretted, and it is greatly to be desired, that at some future day Mr. C. should publish the two together, with a common introduction embracing the most important historical, and archaeological topics; to which reference might continually be made throughout the notes. There are no remains of antiquity where the allusions to the events and institutions of the day are more frequent than in these very orations; and without some such introduction, even when supplied with books of reference, the student will be apt to grope in the dark. Thus the first thing that an intelligent student will say is, "how could such a suit be brought, and why could not the Athenian people do as they pleased, in respect to passing a resolution to crown Demosthenes?" Here then at the outset, he needs to have an idea of

the difference between a *psephisma* and a law; of the different methods observed in passing them, and of the *γραφὴ παρορόμων*, by which illegal resolutions were rendered perilous to their proposer. The way in which this process suspended further proceedings in the Senate or before the people upon a resolution, and the course of the trial, until the time of pleading, will also need explanation. Again the cause was delayed a number of years. Can any reason be given for this? What had been the relations of the parties anterior to the trial to which Æschines subjected Ctesiphon, and what was his political aim in instituting the trial? Here a compressed chronological table might be embodied in the introduction, in which all the events referred to by either orator, occurring during their age, could be found under their appropriate dates, and we should like to see exhibited in the same way, but in a different type, so as not to be confounded with the truth, the various attempts which Boeckh, Böhneke and others have made to assign the documents inserted in the oration of Demosthenes to their historical position.

The remainder of our remarks will be occupied in following Mr. Champlin through his notes, and in discussing certain topics to which he there calls attention. This we shall attempt to do in a spirit of impartial criticism, being convinced that it is only in such a way that American scholarship can be honored or be improved. We must lay in an apology beforehand for the length of some of our remarks, which may seem to some of our readers to lose sight of the book which is under examination, and to wander off into perplexed questions of history. May we say then that having at a former period studied these orations with care, having begun to lay up materials for editing them before Mr. Champlin's edition of Demosthenes on the Crown appeared in 1848, and having felt an interest in the progress of investigation into them since that time, we have cherished the fond, although perhaps the groundless hope that we might offer a contribution to the criticism of these orations which would not be regarded as entirely without value.

We follow Mr. C. according to the sections of Bekker, which accompany his text.

§ 4. At the close of this section, Æschines says that the orators had become so disorderly, that neither the *prytanes* nor the *proedri*, nor the tribe enjoying the precedency and constituting a tenth of the whole people were found sufficient to preserve the assemblies of the people from confusion. This passage affords very clear proof that the *prytanes* still had something to do with the preservation of order at public meetings; although Mr. Champlin assigns this duty entirely

to the *proedri* and the *epistates*. As for the *proedri*, it is known that some antiquaries, as Boeckh and Schömann,¹ following the authority of one class of grammarians, hold that there were two sorts of them, those from the tribe which had the *prytany* and those from the nine other tribes; while K. F. Hermann² regards the existence of the former class of *proedri* as extremely improbable. All agree that the *proedri* here named were those who have been termed *non contribules*. And this Mr. C. has correctly stated. And an argument in favor of this view may be derived from § 8, where the orator speaks of *proedri* fraudulently chosen by lot to fill their offices. If there were *proedri* from the presiding tribe in the senate, that is, if the *prytanes* were divided into five decades, each of which presided about seven days, as this allotment must have happened at the commencement of their *prytany*, it is not easy to see what collusion could have taken place. But it is very easy to see how the *epistates* of the senate on the day of a public assembly may have made a fraudulent election by lot of *proedri* out of the nine other tribes.

That the *epistates* of the day was one of the presidents of the assembly, as Mr. C. asserts, is denied, probably without good reason, by Hermann, who confines that duty to the nine *proedri non contribules*. But this passage shows that Hermann goes too far when he says that the *prytanes* had nothing to do with the assemblies of the citizens at all except to summon them.

ἡ προδρεύουσα φυλή. What was that? We are not sure that Mr. C. has explained the usage correctly, for while in his note on § 8, he speaks of "a tribe selected for this purpose," [for the purpose of presiding or keeping order]; he explains these same words, in his note on § 4, as referring to the representatives of one of the ten tribes. The usage is alluded to only in three passages, in the present passage; in the first oration against Aristogiton, § 90,³ Bekker, where the same phrase occurs; and also in the oration of Æschines against Timarchus, where an explanation is given of its origin. Æschines there says, (§ 38 Bekker,) that after some gross proceedings of Timarchus, a new

¹ Boeckh, C. I. No. 1. Vol. 1, p. 180. Schöm. Antiq. Juris. publ. Græc. p. 216 etc.

² Lehr. 6. d. Gr. Alt. § 127.

³ As the spuriousness of this oration is probable, the reference to this usage is a proof of nothing more than that the author had read the orations of Æschines. His words οὐ πρύτανις, οὐ κήρυξ, οὐκ ἐπιστάτης, οὐκ ἡ προδρεύουσα φυλή τούτου κρατεῖν δύναται afford some proof that he read, in the orators whom he imitates, of *prytanes* and *epistatae* as concerned in keeping order; but is it not rather singular that he omits the most important officers of the assembly, the *proedri*? Does he jumble together what he has found in several passages of ancient authors without a definite idea of the meaning of the words?

law was passed ἀποκληροῦν φυλὴν ἐπὶ τὸ βῆμα ἧτις προεδρεύουσα. How long this singular custom continued we do not know, but we see from this passage, that it arose but a few years before the Oration on the Crown was delivered.¹

§ 7. μηδένα . . . ἐξαιρεῖσθαι. "Depends upon ἡγεῖσθαι taken (by zeugma) in the sense of φυλάττεσθαι." But such a zeugma is quite out of the question. Zeugma is allowed, we believe, only when one notion of the same genus supplies the place of another, specifically different, as an affirmative in the place of a negative notion of the same kind, a notion of sense pertaining to the sight, the place of one pertaining to the hearing. But what communion of meaning has ἡγεῖσθαι with φυλάττεσθαι. Reiske from one Codex supplied εἶναι, 'you ought to allow no man to take away,' etc. On which Bremi observes that εἶναι is unnecessary. 'Concedendi enim et prohibendi notionem antiqui supprimunt quum ea ex contextu sponte in animum influat.'² And of this seeming ellipsis there are frequent examples. If this be so, the clause does not depend on ἡγεῖσθαι, and the same is true, if we content ourselves with the expedient of simply supplying χαρῆ.

§ 12. 'The decree was proposed by Ctesiphon in the autumn of B. C. 338.' See our remarks on Mr. C's note on § 27.

§ 13. 'The Thesmothetae, i. e. the six inferior archons.' We know of no inferiority, either in rank or importance of attributes. The archon indeed, (thence called by writers below the Attic age *eponymers* but known by no such official title,) gave name to the year; but the board of nine stood we believe on the same level.—Again, ἀρχαιρεσίαις, "assemblies for electing magistrates, probably held at stated times." We are not able to perceive what need there is of qualifying these words by *probably*; although we are not able to say when the elections were held. No settled community which annually chose a vast number of officers by lot would fail of having a stated time when the elections were held. For conjectures as to the exact time, see K. F. Hermann's Lehrbuch, 3rd edition, § 152, note 2, and Petersen in Bergk and Caesar's Zeitschrift, Vol. IV. No. 7, who tries to show that it was near the close of Thargelion, the eleventh month of the Attic year.

§ 14. τειχοποίός. 'This appears to have been a regular magistracy, filled annually by the choice of one from each of the ten tribes.' In the instance mentioned § 27, it is created by special vote, and not a

¹ How Boeckh speaking of this φυλὴ προεδρεύουσα can say (u. s.) "quae et ipsa alia est atque ea ex qua prytaes sunt," we do not see. The word ἀποκληροῦν shows that the lot respected all the tribes.

² Bremi's Aeschines Opera. Zurich, 1824. The same remarks repeated for substance in his Lysiae et Aeschines Orat. Select. Gotha, 1826, containing of Aeschines this oration only.

stated magistracy. We doubt not however that some stated functionaries had the ordinary oversight of the walls; probably the *ἐδομοιοί*. See § 25.

§ 18. It might be added here for the student, who would not guess out the matter, that by *κηρυξας* — which we think ought to be printed with a capital — is intended the *gens*, out of which were selected *the sacred crier and the daduchus* at the Eleusinia, and to which the wealthy family of the Callias and Hipponici belonged. The Eumolpidae held the dignity of hierophant at the same mystical feast besides other honors. Consult, 'si tanti est,' M. H. E. Meier de gentilitate Attica, p. 41—44. (Halle, 1835.)

§ 19. "They fitted them out [the galleys] at their own expense." It would perhaps be advisable to state on Boeckh's authority, of which Mr. C. often makes good use, just what was expected of the trierarchs at *this time* of Athenian history.

§ 20. *εἰς τὸν αἰῶνα*. "Shall not then the council of Areopagus be crowned? (i. e. since their office was for life.)" The parenthesis seems to us not to be to the point. The author had said nothing of the lifelong tenure, but had spoken only of the gravity and important duties of the council. As for the rest, the note of Mr. C. on this context, which is one of the few places where the clear and easy style of *Æschines* leaves room for doubt, will compare most advantageously with the failure of Mr. Negris to see into the drift of the passage.

§ 24. "And thus generally *ἤδη* is *now*, in some way out of season, i. e. too early or too late, like the Latin *jam*." We think that Mr. C. on consideration will be inclined to recal this remark. If at any time the notion of *too soon* or *too late* is found in *ἤδη*, it is due to the context. Aristotle gives the following definition of this word, (*Phys. auscult.* 4. 18.) "*ἤδη* is the portion of future time which is nigh the present moment. When do you walk? *ἤδη*: [i. e. at once:] because the time is near in which he is to walk. And of past time it is the portion which is not far off from now. When do you walk? *ἤδη βεβηκῶτα*, [i. e. I have walked already.] But we do not say that Troy is (*ἤδη*) *already* taken, because it is very far from now." From this simple and natural definition all the uses of *ἤδη* can be without much difficulty evolved.

§ 25. For Eubulus the foe of Demosthenes for a long period previous to the battle of Chaeronea, the patron of *Æschylus*, and one of the leaders of the peace-party at Athens, consult Ruhnken Crit. Hist. Orat. Græc. (Opusc. 1. 388); and for Hegemon the same work, p. 354. It is uncertain when Hegemon's law was passed. Böhneke (*For-schungen*, p. 574) assigns it to some time between Olymp. 111. 2 and 112. 2, that is, at all events, after the accession of Alexander.

§ 27. *ἐπιβολαῖς ἐπέβαλλε*, "inflicted penalties." Rather *imposed fines*, for the most part of trifling amount. Comp. Platner, *Process u. Klagen der Attiker*, I. 309. *Æschines de fals. leg.* says that Demosthenes incurred an epibole from the Areopagus for dropping the prosecution of his cousin Demomeles. (§ 93. Comp. § 51 of the present oration).

§ 27. Mr. Champlin here proposes a solution of certain chronological problems which have occupied much attention. We are tempted to enter into this matter somewhat at length, although we are far from hoping to clear the subject from all its perplexities, and are well aware that a thorough discussion of the subject would demand a large treatise. The words of *Æschines* on which the discussion hangs are, when literally translated, as follows. "In the archonship of Chaerondas on the last day but one of Thargelion, at an assembly of the people Demosthenes proposed a resolution to hold a meeting of the tribes [i. e. of each separate tribe] on the second and third days of Skirrhophorion," (i. e. on the third and fourth days after the passage of the resolution, which had respect to the appointment of inspectors of the walls, of whom Demosthenes was chosen one.) It will be convenient now to insert certain dates, that the whole subject may lie in a brief form before the eyes of our readers.

In Olymp. 110. 2 — summer of 339 B. C. Lysimachides archon.

Olymp. 110. 8 — summer of 338 B. C. Chaerondas archon.

Metageitnion 7 — August 4, 338. Battle of Chaeronea.

Elaphebolion 6 — March 26, 339. Date of the *γραφὴ παρανόμων* brought by *Æschines*, according to record in *Demosth. de cor.* § 119.

Thargelion 29 — June 16, 339. Date of resolution of Demosthenes to appoint inspectors of the walls.

Skirrhophorion 2 or 3 — June 19 or 20, 339. Demosthenes appointed inspector of the walls. For conduct during that office a crown is proposed to be given him by Ctesiphon. This proposition is attacked by *Æschines* as illegal *three months before Demosthenes* was invested with the office.¹

This glaring absurdity of bringing an action several months before the illegality on which it was grounded could have been committed is removed in several different ways. And first, attempts have been made to remove it *on the supposition that the record in Demosthenes is genuine, and has the true date.* We know of three such attempts, Mr. Clinton's, Mr. Champlin's and Boeckh's. Mr. Clinton's solution (*Fas-*

¹ We have reduced the dates according to Ideler's tables (*Handbuch d. Chronol.* I. 363 et seq.)

ti Hellenici, p. 363, note f.) is that the reference in *Æschines* is merely to the fact that Demosthenes was in office, and not to the time of his appointment. This solution is justly rejected by Mr. Champlin, and indeed is unworthy of mention: how it fell from its author is wonderful. Mr. Champlin's solution is that *Æschines* suffered a lapse of memory: the appointment took place the month and day named in the year before, and the phrase *ἐνὶ Χαιρώνδου* instead of *ἐνὶ Ἀντιμαχίδου*, "was used unconsciously by way of anticipation, with reference to the time of his *holding* his office, and not to the time of his appointment." That *Æschines* might forget dates cannot indeed be pronounced impossible. And yet he certainly knew when the battle of Chaeronea took place if he knew any thing, and must have had a distinct recollection of the time, relative to that event, when his foe received his appointment. Nor is it credible that such a blunder, if he had fallen into it, could have failed of being discovered by him or his friends before he gave the last touches to his oration. We cannot think, therefore, that Mr. Champlin will be thought to have solved the riddle successfully. Finally Boeckh's solution, at the close of his treatise de Archontibus Atticis Pseudonymis, (Berlin Transactions for 1827,) is none other than that the text of *Æschines* is corrupt. The orator wrote *πρὸ Χαιρώνδου* meaning in the year before that archon; and used that form because every body knew what important events fell within that year, while the mention of his predecessor Lysimachides would have awakened no definite recollection of the times. But this being an unusual form of speech was altered by a scribe into *ἐνὶ Χαιρώνδου*. This conjecture of so very eminent a man carries great weight with it, and has been to some extent adopted. It derived its strength no doubt in the author's mind, from a conviction, that the repairs of the walls must have been undertaken before the battle of Chaeronea and in preparation for a possible attack of Philip during the war. But when it is considered that that persuasion may be shown to be not well founded, that the solution is a violent surgical process, and that the phrase *πρὸ τινος ἀρχοντος*, with the sense *in the year before*, is a phrase of questionable authority, it will not be thought strange if this theory be entirely discarded.

Another theory framed with a view to explain this chronological discrepancy proceeds on the supposition that the decree in Demosthenes is a genuine document, but the name of the archon incorrectly given. It is well known that Boeckh's theory in which he is followed by Winiewski and others, is that these documents were inserted into the oration on the Crown by a later editor; that he extracted them from some collection of public acts derived from marbles and from the

records of the Metroum; that these records, arranged in pigeon-holes according to the series of archons, had in the course of time lost the names of these magistrates; and that the name of the scribe, (the *γραμματεὺς κατὰ πρυτανείαν*) which was attached to the decrees was by some great blunder supposed to be the name of the archon Eponymus.¹ The editor who inserted these documents into the first half of the oration committed a still greater blunder: he put them into the wrong place, and thus entirely falsified history, so as to involve in a perfect fog all the older enquirers from Corsini down to Clinton, and to force Boeckh and succeeding writers, particularly Böhneke to the most laborious researches as to the true historical niche which the records are to fill. If such a date could be satisfactorily assigned, if history opened its arms to receive these documents or even did not reject them, it would be strong testimony in favor of their genuineness that they even conformed to known events. But this is not the case. Thus Boeckh and Winiewski assume a peace between the Athenians and Philip in Olymp. 110. 2. B. C. 339., to which the documents in §§ 29, 37, of the oration on the Crown is supposed to relate. But Böhneke has shown to our satisfaction that no such peace existed.² And the same diversity of opinion extends to several other documents. The most skilful historical enquirers find no hole where they exactly fit.

The decree for crowning Demosthenes (§119 or. de cor.) has confessedly a wrong date, as there was no archon Euthycles. The copy of the *graphe* in § 54, Böeckh thinks to have a correct date: but Böhneke, with reason, dissents from him, and shows by arguments, which our limits will not allow us to detail, that the whole affair from its very commencement was posterior to the fight at Chaeronea; that the date in Æschines, the passage before us, is right; and that for the archonship of Chaerondas we must read the archonship of Phrynichus, his next successor. And surely, if no urgent reasons required us to adhere to the date of this record as a true one, the lie or mistake which so many of its brethren carry on their faces, is a strong presumption against it.

A third theory still disposes more summarily of this whole tribe of records, as being forgeries; or at least as a mixed mass of true copies of letters picked out of Theopompus (or some other historian) in company with documents wholly or in part false. We must confess that

¹ The document in § 54 of the or. de cor. Boeckh regards as the only one having the name of a true archon affixed to it.

² These documents are inserted in the oration on the Crown, as relating to the peace of Philocrates in B. C. 346. Böhneke refers them to a peace which he assigns to B. C. 336, just before Philip's death.

after no little study formerly given to this difficult matter, we incline to this view, and we find ourselves in the honorable company of one of the first Greek scholars now living, not to mention others, K. F. Hermann, who in his work on the political antiquities of Greece, (Third ed. § 138, note 5.) thus expresses himself, "am wahrscheinlichsten bleibt mir die gänzliche unächtheit der urkunden bei Demosth. de Corona."

The forgery in the particular case of the document in § 118, the decree to crown Demosthenes, comes out to the light, unless something can be said in its favor. For while Æschines jeers in his oration at the *ἀνδραγαθία* of Demosthenes, there we find mention of his *καλοκαγαθία*; while Æschines quotes *διατελεῖ πράττων καὶ λέγων ὅτι ἂν δύνηται ἀγαθόν*, of all this there is not a word in the decree; and while Æschines mentions as in the said document the good will which Demosthenes continually showed towards the Greeks, this too has given way in favor of a new expression *ἀρετῆς ἐνέκα καὶ καλοκαγαθίας ἧς ἔχων διατελεῖ ἐν παντί καιρῷ εἰς τὸν δῆμον τὸν Ἀθηναίων*. But for all these differences Winiewski and Böhneke have a ready answer. The document is not as Ctesiphon originally wrote it, but was altered after the cause was tried; because the question on the decree could be carried in a modified shape to suit the times the better. But as Demosthenes, on this supposition, had just gained a brilliant victory in the court, which assured him of a large majority in the assembly on his side, how can he be supposed to have consented to such an alteration of the decree as *καλοκαγαθία* for *ἀνδραγαθία*, which looks like a tacit admission of his cowardice, or to modifications which decidedly lower the tone of eulogy. The supposition seems to us a very unnatural one.¹

¹ The ditches too may have been mentioned in the genuine decree, as they are in the indictment, § 54. If it be said that a forger having the knowledge of Attic usages which these records show, would have done his work better than to be guilty of such an inconsistency with Æschines, we need only reply, that one, who by the confession of all scholars made such gross historical blunders as he makes, could have been guilty of another piece of carelessness not grosser.

Speaking of carelessness let us be allowed this opportunity of rebuking the author of the article Æschines in the Dictionary of Mythology and Biography. After mentioning the first embassy to Philip on which both Æschines and Demosthenes went, he goes on to say that another embassy was sent to Philip to receive his oaths, consisting of five persons, one of whom was Æschines, while Demosthenes staid at home. And the authority for this is the document in § 29 de corona. Surely the author ought to have been aware that the orations of the two orators, especially those de falsi legatione, make known to us, beyond the possibility of question, that there were ten ambassadors in the second embassy, as well as in the first, and that Demosthenes was a member of both. He tells why he went the second time, and we have the names of all or nearly all his ten colleagues.

§ 80. "There were twelve *τριτῦες*, founded probably upon the four original tribes at Athens, [in Attica.] This division was for financial purposes." Rather this division, about which next to nothing is known, was probably retained for financial and administrative purposes.

§ 81. "The Great Dionysia in March." Rather in March or April. When the Attic year began at the earliest date possible, that is on the 25th of June, the first of Elaphebolion answered to the 17th of March. In this case the Great Dionysia, which fell about the middle of that month, ended just about the beginning of our April. In all other cases, in fifteen years out of the cycle of nineteen, they must have been included within our April.

§ 89. *ἐπιγράψαντας νομοθέτας*, "having inscribed upon the call (i. e. assigned) nomothetae. That is the interpretation of F. A. Wolf, which seems to me much better than that of Schömann (assemb. Ath., p. 249,) which makes these words merely indicate the general subject to be attended to at the meeting ('having added': i. e. as the subject of the meeting, 'nomothetae.')

The nomothetae seem to have been appointed by the prytanes, (see Dem. contr. Timoc., § 27)." Wolf's words are "*ἐπιγράφετε, ut ἀποδιδόναι est attribuisse designare, constituere, quod populi fuit proprie, non Prytanum, sed his, tanquam ecclesiam habentibus, id commode tribui potest.*" (Proleg. to Dem. or. Leptin. ad fin.) That is, Æschines speaks of the Prytanes as appointing the nomothetae, because they presided over the meeting where that business was performed by the people. To which Schömann replies with reason, that the word *ἐπιγράφετε* can have no such meaning, and, if it could, that the participle should be in the future and not in the aorist. Mr. Champlin seems to have supposed Wolf to mean that 'the prytanes were to hold an assembly' [viz. of a special kind at which only the nomothetae were present,] "having previously inscribed upon the whitened board of advertisement the persons who should be nomothetae." It is evident that Wolf can have had no such assembly in his view. Still if, as Mr. C. seems to suppose, — for we do not entirely get possession of his opinion, — *ποιεῖν ἐκκλησίαν* denotes to hold an assembly of the nomothetae, so called because they were a large committee of the people; and if, as he thinks, the same body is afterwards spoken of as the *δῆμος*; some difficulties which attend the interpretation of this passage will be removed. As for the appointment of the nomothetae coming from the prytanes, it is not to be thought of, as will presently appear.

We beg leave to trespass upon the patience of our readers, with some further remarks upon this place, of which we can say with

Wolf "Saepe haec me torserunt." The first question then is, whether the annual revision of the laws here spoken of is the same with the *ἐπιχειροποιία νόμων* which is described in Dem. C. Timocr. § 20 et seq. This Wolf affirms to be probable, and Schömann (de Comitibus Athen. p. 260.) denies. But as Schömann in a later work has retracted this opinion, (*Antiq. juris. publ. Graec.* p. 227, note 7.), it may, without going into the subject farther, be assumed that at the beginning of each year either the retiring thesmothets, as Schömann thinks, or the new officers of that name reported to the people on the state of the laws, at the same time that the people itself took measures with regard to projects of new laws.

Our next enquiry concerns the meaning of the passage before us. A simple translation is like this: If the thesmothets find that there are inconsistent or abrogated laws, or more than one relating to the same subject, the lawgiver "bids that having inscribed them on [whitened] boards, they publish them in front of the statues of the heroes from whom the tribes are named, and that the prytanes cause an ecclesia to be held, having written upon the programme these words "Nomothetae: (1) and that the president of the proedri put the question between the laws to the people, (2) and that they, [the people?] annul some and leave in force others, that there may be one law, and not more than one, applying to each subject matter." And immediately afterwards the orator says that if there had been two such clashing laws, when it was discovered by the thesmothets, and the prytanes had handed (3) the business over to the nomothetae, one or the other of the laws would have been abrogated! The whole passage is clear and easy, but the brevity of the orator is perplexing as to the customs of his country: the points of doubt are indicated in our translation by Arabic numerals.

In the oration against Timocrates the following account is given of this annual revision of the Athenian code, during the first prytany of the year, and on the eleventh of the first month the people voted concerning the laws; and if any were voted against, the prytanes for the time being were to cause the third of the three assemblies, which occurred during their prytany, to be held in relation to these rejected laws. And the proedri for the day were required, as the first business to be done, to consult the people concerning the nomothetae, alterations, was to publish his proposed amendments daily before the *καθ' ὃ τι καθισθούται* [i. e. under what regulations they should sit] and how they should be paid. Meanwhile every citizen who wished statues of the eponymi, that the people might judge in view of the number of new projects of laws how long the nomothetae should sit.

The nomothetae should be taken from the sworn jurymen of the year. Advocates, five in number, should be chosen by the people to defend the old laws before the nomothetae. At the meeting of this body the law ordered (c. Timocr. § 33) *διαχειροτονίαν ποιεῖν τοὺς προέδρους περὶ τούτων τῶν νόμων*, etc. To recur now to the points of doubt in the order in which they are marked: (1) According to Schömann *ἐπιγράφειν* "hoc loco dictum est pro eo quod alias solemne est: — *προγράφειν* et *νομοθέτας ἐπιγράφειν* breviter dictum pro: *ecclesiam* de nomothetis habendam esse, in *Programmate* scribere. H. Schelling (de Solon. leg. apud orat. att. dissert. p. 51¹) interprets the passage thus: *postquam nomothetas (nomina nomothetarum in tabulis inscripserunt,* scilicet ut *populus suffragium ferret num illa nomina sibi placerent necne.* If Schelling means by the names of the nomothetae the names of individual persons to the number of a thousand and one, or it may be of three thousand and one, it is utterly incredible that the prytanes could have taken this trouble. If he or any one else should conjecture that the prytanes assigned this business to one or another detachment of the sworn judges for the year, that certainly is quite possible.² At the same time since we learn from the oration against Timocrates that the people determined the rules according to which this body should sit, and how long they should sit, and how they should be paid, it is quite probable, if not almost certain, that they determined also their number. Now this being fixed, the natural course would be for the thesmothets to make a draft by lot out of the annual jurymen, just as they did for the ordinary courts. The nomothetae were merely a court sitting on the laws, and hearing them defended and attacked, instead of a court hearing complaints arising under the laws.

We conclude, therefore, that Schömann has understood this passage correctly; and that *ἐπιγράφειν* is the same nearly as *προγράφειν*, (spoken of with reference to a *subsequent* meeting of the people,) or *ἀναγράφειν ἐπὶ λευκώμασι* or *σανίσι*, which seems to denote inscribing, and putting in some public place where the inscription can be consulted.³

There is still an enquiry remaining. Does *ποιεῖν ἐκκλησίαν* mean

¹ A prize essay published at Berlin in 1842.

² In one instance by a psephisma, and therefore by vote of the people, the number of nomothetae was fixed at 1001, and the council of 500 was added to the number. Here is specific appointment of a portion of the body by the people. *Dem. c. Timocr.*

³ *Comp. Platner II. 81.*

what all seem to have taken for granted that it means; to have an ordinary assembly of the people convened according to the usual formalities; or can *ἐκκλησία* here be used of the meeting of this large committee of nomothetae acting in lieu of the people? If the latter, we must suppose that Æschines leaves out of sight all those intermediate steps which are described in the or. c. Timocr., and hurries forward to the conclusion of the whole matter, to the meeting of the nomothetae, which alone to him was of any importance. This last view will relieve the subject of difficulties; and yet so very marked was the difference between a true ecclesia, and a meeting of the nomothetae, in which all the people, excepting a fractional detachment, would be interlopers, that we can hardly conceive of an Attic orator calling the two by the same name. In § 27 we have an instance of the nice use of terms, where the meeting of each tribe apart is called an *ἀγορά*. The convention of the people when called in an unusual way might be called either *σύνκλητος ἐκκλησία* or *σύλλογος*, (see Thucyd. 2. 59,) but conversely it would be an incorrect use of language to extend the sense of *ἐκκλησία* to other assemblies of a part of the people. (Comp. Plat. Gorg. 456 c.)

(2.) "And that the president of the *proedri*" *διαχειροτονίαν δίδουαι τῷ δήμῳ*. Platner¹ interprets this as if the assembly decided which of two inconsistent laws was to be abrogated. Schelling's view would require him to understand *διαχειροτονίαν* of a vote of the people between two different sets of candidates for the office of nomothetae. We are not acquainted with any other attempts to explain this clause made by writers on Attic law or polity. Both attempts must be regarded as failures; Platner's, because the people only passed a provisory vote as to whether the old laws satisfied them. It is to this that the words of Demosthenes apply c. Timocr. § 25, *Καὶ πρώτον μὲν ἐφ' ἡμῶν ἐποίησαν διαχειροτονίαν, πότῃρον εἰσοιστέος ἐστὶ νόμος καινός, ἢ δοκοῦσιν ἀρκεῖν οἱ κείμενοι*. But the words of Æschines cannot refer to this first measure of the people's admitting or preventing all change in the laws, for he immediately adds; "and that they annul these laws and leave in force the others" which the people had nothing to do with. The view which Schelling is forced to take cannot be admitted for reasons already given. Granting that the people decided between detachment A and detachment B of the sworn judges, as the body to compose the nomothetae, so very small a matter would not be deemed worthy of mention by the orator.

There remains to explain this passage, Mr. Champlin's suggestion,

¹ Platner vs. II. 31. It should be added that he supposes subsequent action of the nomothetae.

which long ago occurred to ourselves: that by *δῆμος* here, the nomothetae themselves are to be understood. This view is supported by the fact that *ἀνααιρεῖν* can have no other subject but what we find in *δῆμῳ* unless the orator expresses himself very enigmatically. Schelling indeed supposed that *τούτους* has fallen out of the text before *ἀνααιρεῖν*, while Schömann, feeling the same difficulty, merely observes that the clause following *δῆμῳ* must be separated by a colon from the preceding text. He says, "Neque enim ad ecclesiam neque ad Epistatam pertinent, sed ad Nomothetas, populi jussu, post illam ecclesiam, constituendos." It is not against usage for the orators sometimes to ascribe the doings of the courts to the Athenian people. And such, we think, must be the case here, unless τῷ δῆμῳ be an interpolation or a gloss instead of *τούτοις*, referring to the nomothetae. The procedure here spoken of is that described in nearly the same words in the or. c. Timocr. § 33, *Διαχειροτονίαν ποιῶν τοὺς προέδρους περὶ τούτων τῶν νόμων. Ὅπότερον δ' ἂν χειροτονησῶσιν οἱ νομοθέται, τούτων κύριον εἶναι.* Here we find the proedri presiding over the assembled nomothetae just as over an ordinary ecclesia, and this circumstance may be used to show how easy it might be to transfer the name of the demus to this body.

(3) What is to be understood by *πρυτανείων ἀποδόντων*? It has appeared already that when the nomothetae convened, the proedri (with their epistates of course,) were the presiding officers. Of course the agency of the prytanes must be restricted to the time before the meeting. There may be a doubt as to what this agency consisted in. If it consisted in preparing business for this body, as the prytanes would for an assembly and in summoning them to their sitting, then *ποιῶν ἐκκλησίας, ἐπιγράψαντας νομοθέτας* will refer very likely to these same acts of the prytanes, and *ἐκκλησίας* must denote the meeting of the nomothetae, which we have decided against. If it consisted merely in the fact that the prytanes took the initiative in the appointment of the nomothetae, this will be consistent indeed with other facts, but the meaning of *ἀποδόντων* which implies a reference of a subject by a preparing or presiding magistrate to an assembly, will not be exhausted. It may also be conjectured that *πρυτανείων* here is loosely used for *προέδρων*, but that does not seem probable.

§ 40. *ἦτοι... ἦ.* "Hoc ordine semper leguntur hae particulae, non vice versa ἦ... ἦτοι" quoted from Bremi. The single known exception to this remark, occurring Pindar, Nem. VI. 5 is noticed by Hartung, and by the lexicographers. This rule recalls to our minds the similar rule that in hypothetical propositions where *εἴτε... εἴτε* occur, *οὐν* is found with that clause which is regarded as true. See

Passow, and Liddell and Scott, voce *ὄν*. The rule is shown to be wholly erroneous by such passages as Soph. Electr. 560.

εἰτ' οὖν δικαίως [ἐκτεινας] εἰτε μή· λέξω δὲ σοὶ
ὡς οὐ δίκην γ' ἐκτεινας,

where the clause, the truth of which is denied, contains the *ὄν*.

§ 41. *γγυρομένων τῶν ἐν ἄστει τραγωδῶν*. Mr. C. after calling attention to the position of *ἐν ἄστει* which determines it to be an attribute of *τραγωδῶν*, adds: "this view of the case relieves the passage from all appearance of being a solecism on account of the use of *γγυρομένων*." It is rather the sense of *τραγωδῶν tragedians* for *tragedies*, as in many other passages, which has this effect.

§ 42. *προξενίας εὐφρημένοι*, "having obtained the rights of a proxenus or friendships." The last word must be condemned as inaccurate, since the *proxenia* had a very definite idea.

§ 52. "Demosthenes prosecuted [*Midias*] for impiety" etc. Rather he brought the public action called a *proboule* against him, which was based upon a judgment of the people favorable to the plaintiff. The *γραφὴ ἀσεβείας* was a different process.

§ 62. *ὁ χρόνος*. "That is the time for making the peace." Would not *καιρός* rather be used in this sense? We believe that *ὁ χρόνος* is here used as often, of time in its widest generic sense, *duration*.

§ 64. *ἐπράττετο*, "it was effected," "brought about." *πρός*, "out of regard to," "by means of," "on the part of." *πράττειν πρὸς* must mean *to bring about by management with, to enter into negotiations with, and so effect*.

§ 65. *προσέχουεν . . ὑμετέρῳ* "should think of joining your democratic ranks." Rather should feel favorably inclined towards the cause of you Athenians."

§ 67. It might be added here that the *Æsculapia* are called a *προαγών* as being a sort of introduction or prelude to the great feast of the Dionysia immediately following.

§ 68. "Besides this festival to Dionysus there were also the lesser Dionysia and the Lenaea." It has been a very general opinion, although not universally received, since Boeckh's treatise on the Dionysia, (Trans. of Berl. Acad. for 1816,) that there were four Attic festivals in honor of Bacchus; the Dionysia *ἐν ἄστει*, the Dionysia *ἐν ἀγοαῖς*, the Lenaea and Anthesteria. Before Boeckh wrote, the Lenaea were identified by some with the country Dionysia, and by others with the Anthesteria.

§ 69. *ἔπειδῃ* etc. Mr. C. follows Bremi in pronouncing this sentence to be without an apodosis, and in finding the proper apodosis in § 71. We are not able to see any natural apodosis in that place-

We suspect that δὲ here accompanies the apodosis as in Thucyd. 2. 65 *ἐπὶ τε ὁ πόλεμος κατέστη ὁ δὲ φαίνεται*, etc. Comp. Thucyd. 3. 98. For such sentences see Jacobs on Ælian præf. p. XXVII, and Hartung 6 partikellehre 1, 185, who, however, while he allows that δὲ is found in the apodosis, knows of no place in Attic writers where the protasis contains ἐπὶ. He therefore wishes to read in the place of Thucyd. cited above *ἐπὶ δέ*, and regards the second δὲ as a mere repetition.

§ 70. *τριήμερον*. "An adjective agreeing with *παρίοδον* understood." And so Bremi. But as *χρόνος παρίοδου* is awkward, *προθεσμία*, a limitation, a time within which something must be done, were better. This is also a word well known to the Attic orators.

§ 76. It might be added here, that the ambassadors of Philip were, according to the argument of the oration of Dem. de fals. leg., Antipater, Parmenio and Eurylochus. Hereby the *τρία ζεύγη ἑρσικά* is explained. *Ἄμα τῇ ἡμέρᾳ*. "For the purpose of securing the best seats." And so Bremi. But as Demosthenes had invited the ambassadors to the proedria, or seat of honor, to which, by vote of the Senate (*Æsch. de fals. leg. § 55*), he had authority to escort them, he probably intended by calling so early to show the greater attention.

§ 87. *ὁ τ' . . . διαβίβασας*, "and what his brother Taurosthenes . . . had collected, having transported the Phocian mercenaries." We do not see where Mr. C. finds the words which he translates what—had collected. It would seem as if he had considered *ὁ τ'* as being equal to *καὶ τοῦτο ὁ* and had supplied in thought *σνήγειρος*. But this is impossible. *ὁ* is the article. The construction is easy. "Callias having collected an army from Euboea, and his brother Taurosthenes having transported mercenaries came upon us."

§ 91. *τὸν δολιχοδρομήσαντα*, the *δολιχος* "runner," "the redoubtable." The word can have no such general sense, as is implied in this last rendering. The man was well known to some of the audience as a runner in the long race.

§ 99. *ἄθροπος*. Whether this or *ἀνθρωπος* the reading of Bekker and others is the true one it is not so very easy to decide. See Hermann on Soph. Philoct. 40, and Bernhardt's Grammar, p. 317, with the references there made. It may be added that *ἄθροπος* can be contemptuous—the fellow.

§ 107. "On the Corinthian Gulf, around the ancient city of Cirrha or Crissa." These two places have been confounded by others, but were undoubtedly distinct. Cirrha lay near the sea, while Crissa was situated at the distance of an hour and a half of travelling time from it, near the modern village Chryso, to which it has given its name,

and on the way towards Delphi. Crissa was a Homeric town, and probably sank as Delphi on the one hand, and Cirrha before its sack on the other, rose into importance. See for the topography of this region an admirable little volume by the late Prof. Ulrichs of the University of Athens: *Reisen und Forschungen in Griechenland*. It appears that there were properly two plains, one of greater fertility than the other, and also of greater extent, and still renowned for its olive-trees, called the plain of Crissa; while the other, which is here referred to, lay nearer to the sea and was uncultivated until it was encroached upon by the citizens of Amphissa. It is now used for pasturage, and until the liberation of Greece, "supplied a considerable part of Peloponnesus and of continental Greece with tiles for roofing."

§ 112. This oracle, if we may judge from our experience needs an interpreter. Perhaps a version like this: (Apollo loquitur) "*annex the land down to the sea to my temple domains, and I will help you take the town*" will be intelligible to American boys. As for the rest there are no peculiar suspicions lying against the genuineness of this oracle. If inserted, as Wolf suspects, by a later hand, it is likely to be the oracle which Æschines actually pronounced.

§ 116. *σιςέφαρον δόγμα*. "Demosthenes denies this," etc. What is said is not inconsistent with what Demosthenes affirms, for *σιςέφαρον* only means *were introducing*, were ready to introduce, were thinking of introducing.

§ 116. "The crime for which they were to be fined was for dedicating certain shields in an unfinished chapel at Delphi." In this Mr. C. follows Bishop Thirlwall, but no one pretends to say what new chapel can be intended. The scholiast has an exceedingly valuable remark here that Æschines refers to the new temple of Apollo, constructed upon the burning of the old one, in Olympiad 58. 1, and not fully finished until Nero's time. Of this new temple we know, from other sources that the Alcmaeonids of Athens, during their exile, constructed it, but that it was incomplete in the time of Mark Antony.¹ (Plut. vit. Anton. § 23.) A reading here *ἐξαράσασθαι* (before the completion of the prayers usual at the foundation of new temples,) instead of *ἐξεργάσασθαι*, is preserved by Harpocration, and by some MSS.: and is perhaps to be preferred. From all this it appears quite possible that the temple of Apollo is intended, and that an old affair of more than 200 years standing was raked up, much after the same fashion as the Lacedaemonians rake up their charge of pollution upon Pericles, (Thucyd. 1. 126).

¹ Herodot. V. 62, however speaks of the Alcmaeonids as completing their contract, *τὸν νηὸν ἐξεργάσαντο*, etc.

§ 117. *μεθέστηκόςτων*, "having taken sides with me." This is Bremi's explanation, which however is not capable of the slightest defence. Bremi says that it is to be understood thus: "Senatores Æschinis oratione permotos sententiam commutasse." But unfortunately Æschines says *ἀρχομένου δε μου λέγειν*, as I was beginning to speak, so that the effect must have preceded the cause. Besides, when did *μεθέστηκα* ever mean *I change my opinion*, without something added to show that it was taken in a transferred sense. The sense no doubt is, "and as I was beginning to speak and had entered somehow with more than usual earnestness into the session-room, owing to the fact that the other pylagoræ had withdrawn." For the perfect understanding of this last clause it is necessary to determine two things: first, who are intended by the other Pylagoræ? Does the orator intend the other Athenian pylagoræ, or the others of that name in general. He cannot mean the Athenian, only because one of the two others Midias, being ill of a fever cannot have been at the meeting; and *μεθέστηκα* implies not only *absence* but *previous presence*. We must suppose then that all the pylagori had retired, unless the deputy from Amphissa was of their number. In the second place what is the connection of this clause? It may be joined *causally* with what precedes it. The other pylagori had retired; it was time for the hieromnemons to hold a session by themselves, either as having the sole right of legislating or as deliberating about religious matters, which were perhaps their exclusive province. To anticipate the close of the session when the pylagoræ were heard before the council, Æschines came in with more than usual haste.¹ Or the haste and *empressement* of the orator may be ascribed to the errand on which he was bound, and to his anger against the men of Amphissa. Then this clause will be a mere incidental circumstance giving life to the narrative. "While I was beginning to speak,—all the pylagori having retired,—a man from Amphissa" etc. It may be observed that Æschines also, as soon as he had finished his business with the council retired, § 122, and then the body passed their resolution.

§ 117. *ἀρχήν*, "at the beginning." This is taken with *οὐδέ*, and is the usual *ἀρχήν* of negative sentences, which is nearly equivalent to *omnino*.

§ 118. *ἀντόθεν*. "That is from their place of victory," "on the spot." — *ἰστηκώς*, "having taken my stand," "fearlessly." Bremi had led the way for Mr. C. in this mistranslation. The simple

¹ Bremi translates *εἰσεληλυθὸς* with *προθυμότερόν πως* most unaccountably 'quum studiosius instarem, rem urgerem.' It is a marvel that *εἰς συνέδριον* did not deter him from offering this singular translation.

sense of ἀπέθεν ἰσχυρῶς is: *from the very spot where I stood, that is, from his place in the council house, which may have been open to the day.* This building is afterwards called an ἱερόν, as being a temple proper, or a consecrated place. With regard to the position of the building Ulrichs observes that there exists a chapel of St. Elias opposite to some threshing floors and near a quarter of a mile below the ruins of Apollo's temple. Above this spot the view of the plain is cut off. From it there is just such a view as Æschines describes. The ancient remains here indicate a building, the position of which determines it to be the Synedrium.

§ 124. "As it was the spring session that was just closing, the next regular one was in the autumn." See the remark on § 254.

§ 132. It might be well to remark here that the Persian king is spoken of as a *perpetua persona*. The first two participles in the aorist refer to Xerxes. The third and fourth refer perhaps to what several kings had done; ("who used to demand earth and water from the Greeks and used to dare to write, etc.") while the verb διαγωνίζεται points to Darius Codomannus. For the use which Boeckh has made of this passage see our remark on § 254.

§ 133, line 14. "now about to become hostages . . . are on the point of being sent to Alexander." We believe that ὀμνηνῶ here means, I give a hostage; and that ἀναπέμπομαι is middle in form and not passive. The sense is "the Lacedaemonians are now about to send their envoys up to Alexander, with a view to offer to give hostages and to make an exposition of their misfortune."

§ 138. It might be desirable to collect what little information remains with regard to these public men. See Ruhnken's essay, before cited.

§ 142, line 11. "Thebes was but the capital of Boeotia, to which the other towns owed a sort of allegiance." It is true that Thebes gradually encroached upon the liberties and independence of the Boeotian towns, but the primitive relation was one, we believe, of entire independence.

§ 145. ἄρδην ὑφέλεμος. "wholly unconsciously removed." Æschines never intended that Demosthenes did this without being aware of it. The sense is "without being perceived he completely stole away the senate-house (or else the meeting of the senate), and the popular government," i. e. by the joint council convened at Thebes he slyly took away the power of the senate and people of Athens to decide on questions of public policy.

§ 155. ἀλλὰ τὰναντία . . . φθέγγεσθαι, "but the opposite of the words of the crier will seem to be spoken." But when was φθέγγομαι

out of the perfect, passive? The sense is, "but it will seem to utter the opposite of what the crier shall proclaim." The subject of *δόξει* is ἡ ἀληθεία, or else τὸ ἐκ τῆς ἀληθείας αἰσχρόν.

§ 158. *ἀντροσχεδιάζειν*, "may practise upon, make experiments upon, endanger." Rather "may without previous practice act rashly." We may remark here, in passing, that the ferry spoken of by Æschines seems to have lain between the town of Salamis and the nearest adjoining mainland, where the strait is less than two miles wide; between which place under Mt. Aegaleos and Athens along the coast there are traces of an ancient road.

§ 159. These are indeed instances of attraction well worth noticing. It would have been well to notice also the more remarkable use of prepositions in § 97, *εἰν ἐν Πελοποννήσῳ προσβίαις ἢ ἐπρέσβευσε, καὶ εἰν ἐξ Ἀκαρναντίας*, that is, the embassies into Peloponnesus and Acarnania from which he had returned.

§ 162. *πάραλοι*. "That is, ambassadors conveyed in a [the] *πάραλος* or sacred galley." This word denotes the crew of the *Paralus*; who perhaps conveyed the ambassadors next spoken of to some port on their way to Alexander.

§ 164. The oracle of which Mr. C. makes mention as given to Alexander was not given to him but to his father Philip, whose death according to Diod. Sic. XVI. 91. it predicted. We cannot unite with Mr. C. in perceiving any allusion to this oracle in the word *χρυσόκερων*, which, if it implies any more than preparation for speedy sacrifice, i. e. in this case the speedy and condign punishment of Æschines, can only refer to the golden bribes which he was charged by his foes with receiving.

§ 166. The expression *τινὲς πρῶτον ὥσπερ τ' ἐς βελόναις διείρουσι* we confess ourselves unable to explain. It is commonly regarded as a *locus depravatus*.

§ 167. *ὁμολογῶ*, etc. "I acknowledge that I united the Lacedæmonian powers." Rather, "that I arranged the Spartan movements," referring perhaps to the affairs preceding the death of king Agis III, who was slain in battle against Antipater towards the end of B. C. 331.

§ 171. *τὸ χωρίον τοῦτο*. "That is the Tauric Chersonese, where Nymphæum was situated." Not so, but Nymphæum itself. The Athenians never were masters of the Tauris peninsula.

§ 172. *παριδῶν τοὺς τῆς πόλεως τόμους*. It may be remarked here that in all probability this is a misstatement of Æschines. Before the archonship of Euclid in B. C. 408, the issue of an Athenian man and a

foreign woman had the rights of citizenship.¹ Now as Demosthenes was born in or before B. C. 381, his grandfather Gylon most probably allied himself to the Scythia lady before 403, so that her children must have been legitimate Athenians. Æschines here and elsewhere carries the effect of a law of his own time further back than the time of its enactment.

§ 172. τὴν πομπήαν, "in his vicious pronunciation." We wonder at this singular translation, particularly when the plain sense that the rascality of Demosthenes is not of native growth so readily strikes the eye.

§ 173. τοὺς λόγους . . . ἀντιδικούς, "producing the speeches for the opposing parties i. e. for both the parties in a suit, as in the case of Phormio, and Apollodorus. See Plutarch's life of Demosthenes." We think that ἐκφέρειν will not take the sense of *producing*, or *composing*, as a literary composition. It can only mean *publishing*, *disclosing*. The orator wishes to say that Demosthenes, being thought to be unworthy of confidence in this trade of writing speeches, (περὶ ταῦτα) and being used to make known the contents of the speeches to the opposite party in suits, pushed himself all at once into politics. The phrase ἐκφέρειν λόγους is used in the same sense in the oration of Demosthenes against Nicostratus § 14: ἔπειτ' ἀγώνων μοι συνεστηκότων πρὸς αὐτοὺς τοὺς τε λόγους ἐκφέρει εὐ εἰδώς, κ. τ. λ. It is quite probable that the plurals which Æschines uses,—λόγους and ἀντιδικούς—loosely refer to one particular affair; and that affair without doubt must be the same to which Æschines alludes in the or. de fals. leg. § 165. He there says "wherein shall we perceive the innate traitor? Shall we not in his using as you have done those who have intercourse with him and have trusted him;—in his writing speeches for pay to be delivered in the courts, and then divulging them to the opposite party. (λόγους γράφοντα μισθοῦ τούτους ἐκφέρειν τοῖς ἀντιδικούσι.) You wrote a speech for Phormio the banker and took money for it. This speech you divulged (communicated ἐξήγησας,) to Apollodorus who was plaintiff in a capital suit against Phormio." (τῶ περὶ τοῦ σώματος κρίνοντι Φορμίωνα, i. e. in a suit affecting the civil status of Phormio.) It is quite probable that this charge is entirely unfounded. Plutarch, who refers twice to the transaction, (in the life of Demosthenes, and in the parallel between him and Cicero,) in all probability knows nothing of it which we do not learn from Æschines and from the orations themselves which have come down to us; and also blunders in saying what Æschines does not affirm, that the orator wrote for both parties to a suit. The facts, as far as we can gather them

¹ Comp. K. F. Hermann u. s. § 118. 10.

from the orations for Phormio and against Stephanus are these, that in the first instance Demosthenes wrote a speech for Phormio when sued by Apollodorus for capital lying in his hands. The speech is a plea against the admissibility of the action, as being already decided by selected arbitrators. The speech for Apollodorus on the other hand was written for a subsequent plea, on an action of false witness (which was a private action at Athens.) against one Stephanus a witness for Phormio. It is indeed possible that in the first action what Æschines mentions may have occurred; and it is possible also that some other quarrel arose between these men of which we know nothing; but in the general looseness of the Attic orators as to facts, it is pretty safe to conclude that Æschines had no more ground for his charge than that Demosthenes wrote a speech first for Phormio and then in a new suit arising out of the same affair for his adversary.¹ We have dwelt the longer on this passage because we have found little help for the understanding of it in the commentators whom we have consulted.

§ 211. *κάθαρμα ζηλοτυποῦν ἀρετήν*, "wretch hating virtue." We prefer the other meaning which can be assigned to *ζηλοτυποῦν*, *affecting, pretending to*. This, which Bremi rejects, is almost required by the contrast. "Such things would a man say who had really lived virtuously; but what you will say, a wretch would say who pretended to (wished the reputation of) virtue.

§ 214. *ἑμπληξίας*. "Dicitur de iis qui tonitru tanguntur. Hinc tropice de iis qui non sunt sanæ mentis." Bremi. Like *ἑμπληκτος* in many passages the word here has the specific sense of *fickleness, changeableness*. This indeed is shown by the sense, and derives some support from the circumstance that one article suffices for this word and for *δειλίας*. As fickleness and cowardice are closely connected qualities, the orator binds them together by one article. Another abstract noun of unlike nature he would have been apt to keep more distinct by using two articles.

§ 240. "Did not the mercenary soldiers deliver up the citadel to the Thebans for five talents?" The sense is just the reverse. The first *οὐ*, affecting the whole interrogative sentence, requires an affirmative answer; while the second *οὐ* denies *παρίδοσαν*. *Did not the merce-*

¹ If the words *περὶ τοῦ σώματος κρίνοντι* be not a gross exaggeration, and really refer to the suit against Stephanus, to which Phormio was no immediate party, they must be understood of the danger which Phormio would incur, if his witness should be convicted of falsehood. There would then lie a suit of *κακοτεχνιών* against him which probably, like a *δίκη ψευδομαρτυρίας* was an *ἄγων τιμητός*, so that the damages could involve even loss of life, at the pleasure of the plaintiff and of the judges.

maries fail of delivering up the Oudmas? The events here referred to are dwelt on more at large by another enemy of Demosthenes, Dinarchus, (or. in Demosth. § 18 Bekker) and derive illustration from Arrian. (Anab. I. 7, and I. 10.) While the citadel of Thebes was occupied by a garrison in the Macedonian pay, the city revolted, and the Arcadians who had started from home for the aid of Thebes, on learning that it was taken and sacked by Alexander, turned back and punished the instigators of their expedition with death. Dinarchus says that Astylus, their general, demanded ten talents, as his price for aiding Thebes; and that ambassadors came in vain to implore Demosthenes to furnish that sum of money; while an agent of the opposite party paid the Arcadians the same sum for going back.

§ 242. The date here assigned by Mr. Champlin to the death of Alexander king of Epirus is, we believe, the correct one. It excites some surprise, when we find in the Dictionary of Biog. and Mythol., under Alexander I. of Epirus, another date for his death, viz., the year 326. The authorities to which the author of that article refers suffice for his confutation. Livy (VIII. 24) says that Alexandria was founded and this Alexander slain in the same year; and although the Roman year to which these events are assigned, does not synchronise with the veritable Olympian year, yet this is too common a thing in earlier Roman history to trouble any one, while the concurrence of two such events, as the abovementioned, upon the same year, is likely to be a positive fact; and may serve to rectify chronology. Now the time of the foundation of Alexandria is well ascertained to belong to the end of 332 B. C., or to the beginning of 331. And again Justin says, that about the time of the death of Darius (dum hæc aguntur XII. 1.) Alexander received letters from Antipater informing him of the defeat and death of Agis III, king of Sparta in Greece, and of the death of his own brother-in-law, Alexander of Epirus, in Italy, (cognitis mortibus duorum aemulorum regum. *ibid.*) Now the date of no event of antiquity is more certain than that of the death of Darius. It occurred according to one of the most cautious of ancient historians — Arrian — in the first Attic month of the archon Aristophoa, which month commenced July 1, 330 B. C. If now we would allow for the time necessary to transmit news from Italy and to forward messengers to Alexander, we must assign the death of Alexander of Epirus to the end of 331 or the beginning of 330.

§ 243. *διὰ τὸν περίπλου τὸν εἰς Κέρκυραν.* “On account of the circuitous voyage to Corcyra. He went first to Thrace after vessels and then south round the Peloponnesus to Corcyra, etc.” But the word *περίπλους* denotes not a *circuitous voyage*, but a voyage around

any point or peninsula. The necessary circumnavigation of peninsular Greece gave rise to the word, and not that Timotheus did not take the direct route.

§ 254. *Æschines* here says that, in a few days the Pythian games were to be held, and the Amphictyonic council was to meet. On this passage Mr. C. quotes from *Bremi* that these games were not celebrated in the same month of different years, but that for the most part they took place in the month *Elaphebolion* or March. We believe that this information is erroneous in more than one respect, and beg leave to make a few remarks upon the point on account of its historical importance.

The death of *Darius* then as we have seen occurred in July 380, during the first month of the archon *Aristophon* at Athens, and the rival orations of *Æschines* and *Demosthenes* are assigned on the authority of *Dionysius* of *Halicarnassus* to the same year. *Alexander* would without fail send speedy news to Greece of the death of the Persian king. But he is spoken of as alive by *Æschines* in § 182, where he says "Is not the king of the Persians . . . now contending not for mastery over others but for the safety of his person?" These orations then were delivered during that archonship before the news of the death of *Darius* could reach Greece; that is — we may say, without being venturesome — before the first three months of the year had run out. The Pythia and the meeting of the council then fell upon the early part of the autumn.

The force of this argument — which in the words of *Æschines* we may call an *ἀφικτος λόγος*¹ — is sought to be turned aside in a very strange and unsatisfactory way by *Boeckh* in his notes on the Amphictyonic marble. (*Corp. Inscr.* Vol. I. No. 1688.) He says: this could have been said even if the death of *Darius* were known. Nay, were it so known, so much the more weight does the sentence have, in which *Æschines* lays before the minds of the Athenians a very sad event lately announced, and in gentle words expresses his pity. All that *Æschines* says could be retained although something relating to the death of *Darius* be added. He might have written after this manner: *τῶν οὐ περὶ τοῦ κυρίου ἐτέρων εἶναι διαγωνίζεται, ἀλλ' ἤδη περὶ τῆς τοῦ σώματος σωτηρίας· ὅν ἐναγχος ἠκούσατε ἀνεσφάχθαι*: but he does not add this last clause, because all knew of the fact." Moreover, continues *Boeckh*, the passage where *Æschines* (§ 165) speaks of *Alexander*, as (*ἔξω τῆς ἄρκτου* etc.) beyond the north and almost

¹ This is only one argument out of many in favor of assigning the Pythia to the autumn.

outside of the world, must refer to his northern expedition after the death of Darius. With regard to the first of these arguments, it is enough to say that if Æschines had written, as this eminent scholar says he might have done, he would have written absurdly even if Darius had left a successor; how much more when his empire fell with him. With regard to the second, we affirm that the words of Æschines are hyperbolic, and what renders it certain that they cannot have the reference which Boeckh seeks in them is, that they are connected in time by the orator with the warlike movements in Peloponnesus, on the part of the Lacedæmonians and others, in 331 B. C. "The Lacedæmonians and mercenaries met in battle and crushed the troops with Corragus — and all Arcadia had gone over except Megalopolis, and that was under siege and daily its capture expected, while Alexander had retired beyond the north, etc. — and Antipater was a long time collecting an army, and the issue was uncertain." Can anything be clearer than that none of these circumstances is of later date than the death of Darius, unless they all are?

Boeckh entertained the opinion that the Pythia were held in the spring; but nearly everybody who has expressed himself on this subject of late has looked for them on the opposite side of the year, in the autumn, although the exact time cannot be ascertained. The important marble, to which reference was made above, informs us that they were to be celebrated in the Delphic month Bacatius. Without entering into the question in what part of the year that month fell, we can only say here, that K. F. Hermann regards it as made out and settled that it fell within the autumn, and he synchronizes it with the Attic month Baedromion. The evidence as to the time of the Pythia may be found in Clinton's *Fasti Hellenici*, Appendix I, and in Böhneke's *Forschungen*, Vol. I. p. 807. See also K. F. Hermann de anno Delphico, (Götting. 1844), his *Griechische Monatskunde* (Götting. 1844.), p. 50, and his *Religious Antiquities of Greece*, § 49, note 12.

As the Amphictyonic Council met at Delphi in the autumn, their spring session was at Thermopylae. Hence the Documents in Demosthenes de Cor. (§§ 154, 155), which speak of a spring session at Delphi, on the occasion of which Æschines discourses at length (§ 115—125), are likely to prove forgeries. We know that their character has been defended by Schömann (*Antiq. jur. publ. Graec.* p. 391), who accepts an hypothesis once started by Heeren, that the deputies always met spring and autumn, first at Thermopylae, and then, after some sacred rites were performed, adjourned to Delphi. But Æschines again oversets this theory; for the only meeting at the former place, of which we know anything, was, according to his statement (§ 126),

full of very important business. Meanwhile, five marbles have become known, dug up at Delphi, by the lamented Otfried Müller, and published by his fellow-traveller, Ernest Curtius (*Anecdota Delphica*, Berl. 1848), which contain Amphictyonic decrees: on three of these marbles it is said that the decrees were passed at the autumnal session; while the others are without date. We have then evidence of a session in the autumn at Delphi; and of a meeting for business at the Straits: we have, on the other hand, no evidence of a meeting in the spring at Delphi, except that furnished by the documents in Demosthenes. These documents are defended by Böhneke on the plea that they belong to the actual spring session, not to that where Æschines made his speech, (which Böhneke also places in the fall), nor to the extraordinary one of which Æschines speaks § 128, 129; but to a regular one in the spring. One of the documents, however, refuses to have these screws put upon it; for it requires the deputies of the Council to go to the sacred land and set up boundaries and tell the Amphissians not to commit encroachment; whereas, even at the extraordinary session, before this supposed meeting, the council, so far from being thus mild, decreed a military expedition against the invaders of the sacred soil, and appointed a general. And the subsequent complaints against the Amphissians were not for using that ground for pasturage and arable land, but for not paying their fine and restoring the exiles whom the council had required them to banish.

To sum up all in a word, the Pythia were held in autumn; the Amphictyonic council convened at Delphi in the autumn, and as far as anything is known only there; and the events in which Æschines was an actor at Delphi, were therefore in the autumn of B. C. 340, soon after his election probably to the office of pylagoras.

§ 258. *καὶ οὐδὲν μὲν ἦλθον ἀποκτείναι.* "By nothing did they come from killing him, like the Latin *minimam aborat quin interficerentis* i. e. his punishment was equal to death." We were surprised at reading these words; nor was our surprise lessened when we found that Bremi led Mr. C. into his interpretation by saying, 'poena qua multabatur eum mortis poenam aequiparabat.' As the Athenians only warned Arthmius out of their territory, one would think that this fact, if nothing else, would be seen to be adverse to this rendering. Is it necessary to say that the meaning is, 'they came within next to nothing of killing him.' Not that they touched him even with one of their fingers, but their feelings were such, that a very little more and they would have put him to death. — T. D. W.