

NICOMACHUS.

(1.) Some men, gentlemen of the jury, coming up for trial, before now appeared to be at fault, but showing the noble achievements of their ancestors and their own good services, they have found pardon with you. Since now you admit (the argument) of defendants, if they appear to have rendered the state some service, I think it just that you should listen also to the accusers, if they show the defendants to have been bad men since a long time. (2.) That now the father of Nicomachus was a public slave, and what his (*i.e.* Nicomachus') pursuits were when he was a young man and how old he was when he was enrolled in his phratia, it would be (too) great a task to tell. But since he became a registrar of the laws,—who does not know what indignities he inflicted on the city? For while he had been ordered to inscribe the laws of Solon within four months, he made himself instead of Solon the law-giver, and instead of four months made his office one of six years, and accepting money every single day he had some laws written in the code, and cancelled others. (3.) To this we have come, that we had the laws dealt out to us from his hand; and parties to a suit used to quote in the court-room opposing (laws), both claiming to have received (them) from Nicomachus. And although the archons inflicted fines on him and brought his case before the court, he refused to hand over the laws. But first the city was involved in the greatest disasters,

before he would part with his office and would render account. (4.) And, gentlemen of the jury, since he did not render account of those (acts during his first term of office), in what manner has he in the present case also discharged the duties of (this new) office? A man, who, in the first place, inscribed the laws during four years, while it was possible for him to be done with it within thirty days; secondly, although it had been defined, from what (documents) he was to inscribe (the laws) he made himself final authority in all matters, and (although) having managed so much, he alone of those who held office did not render his accounts. (5.) But the others give in an account of their office every prytany, but you, Nicomachus, did not choose to finish the codification in four years, but to yourself alone of all citizens you think it to be allowed to hold office for a long time, and neither to render your account, nor to obey decrees, nor to heed the laws, but you inscribe one law, and erase another, and you have come to such a pitch of insolence, that you consider the property of the state yours, although being yourself a slave belonging to the state. (6.) And now, you should, gentlemen of the jury, punish him remembering the ancestors of Nicomachus, what they were, and this man (himself) how thanklessly he behaved toward you, transgressing the laws, and since you have not obtained satisfaction for each separate offence, now inflict punishment for them all.

(7.) Perhaps, gentlemen of the jury, since he cannot make a defence concerning his own doings, he will attempt to slander me. But I ask you to believe him concerning my affairs only then, when I am not able to convict him of lying, when the opportunity is given me

to reply to his accusations. But when he attempts to say what he said in the council chamber, that I was one of the Four Hundred, keep (this) in mind : to judge by (the words of) those who say such things, there must be more than a thousand of the Four Hundred. For those wishing to slander, make these allegations of men who were still children at that time, and of those who were absent from the town. (8.) I was so far from being one of the Four Hundred, that I was not even enrolled as one of the Five Thousand. But it seems to me to be strange, that, if I, contending with him in a private suit, so plainly had convicted him of wrong-doing, he himself would not have demanded to be acquitted, (because) making such a plea, but now, while on trial (in a suit) affecting the state, he will think that he ought not to be punished by you, (because) accusing me.

(9.) Besides I think it surprising that Nicomachus should think fit to bring up past wrongs against others as offenders, while I shall prove him to have been plotting against the democracy. Now listen to me. For it is right, gentlemen of the jury, to admit such charges concerning such men as now claim to be on the side of the people, after at that time they had helped to put down the cause of democracy. (10.) For when, the ships having been lost, the revolution was made the object of political intrigue, Cleophon abused the boule, saying that it was a band of conspirators, and that in their councils they did not act for the best of the state, Satyrus of Cephisia being then a member of the boule, persuaded the boule to bind him and hand him over to the court. (11.) And wishing to ruin him, (but) fearing they would not kill him in the court, they persuade

Nicomachus to produce a law to the effect that the boule should sit in the court also, with the dicasts. And this fellow, greater villain than any of them, joined so openly in their conspiracy, that, on the day, on which the trial took place, he produced that law. (12.) Now gentlemen of the jury, one could bring other charges against Cleophon; but this is universally acknowledged, that those who were breaking up our democratic form of government, were desirous that he especially of all citizens should be got rid off, and that Satyrus and Chremon, who were made members of the Thirty, did not accuse Cleophon, because they were incensed at him for your sake, but that they might injure you after putting him to death. (13.) And they accomplished this by means of the law which Nicomachus produced. Now, it is right, gentlemen of the jury, to consider,—also for those of you who thought that Cleophon was a bad citizen,—that also among those put to death during the oligarchy, perhaps one (or two) were bad men, but still you are indignant at the Thirty also for the sake of such people, because they killed them not for their crimes, but on party grounds. (14.) If now, he defends himself against this charge, remember this much, that he produced the law at such a time, when a change of government was being brought about, and (that he did this) courting the favor of men who broke up the power of the people, and that he caused that boule to act as assessors, in which Satyrus and Chremon had the greatest influence, and through which Strombichides and Calliades and many other worthy and noble citizens perished.

(15.) And I would not have spoken of these matters, if I did not observe that he will attempt to escape unjustly on the plea that he was a democrat, and that he

is going to use as evidence of his good-will towards the democracy, the fact that he was in exile. But I could also show you others of those who helped to put down the democracy, some of them killed, others exiled and not sharing in the government, so that it is right that this should not be taken into account to his advantage. (16.) For he contributed his share towards your being exiled, but the people became the cause of his returning home. Besides it would be absurd if you should thank him for what he suffered against his will, while you should not punish him for the wrongs he committed voluntarily.

(17.) I hear that he says that I am guilty of impiety, because I abolish the sacrifices. If I had been a proposer of the laws concerning the codification of the laws, I would think it possible for Nicomachus to say such things about me, but now I demand that he obey the common and established laws. I am surprised that he does not bethink himself, that he accuses the state also, when he claims that I am guilty of impiety because saying that we should make the sacrifices as ordered in the tablets and pillars, according to the agreements, for you voted on this. And then, if you think that dreadful, do you perhaps also think that those people did wrong, who offered only the sacrifices, ordered by the tablets? (18.) And yet, gentlemen of the jury, we should not learn about piety from Nicomachus, but look to what was done in the past. Now our ancestors, offering according to the tablets, handed down the city as the greatest and wealthiest of the Greek cities, so that it is right for us to make the same sacrifices they made, if not for any other reason, then for the sake of the good fortune which has come to them through these sacrifices.

(19.) How could any one be more pious than I, who think it right to offer sacrifices in the first place according to ancestral custom, secondly, that which is of greater advantage to the state, and besides that which the people ordered by vote, and which we shall be able to pay for from the revenues? But you, Nicomachus, have done the opposite of this. For by having published (in your codification) more than you were ordered, you have become the cause that the revenues are being spent on these, and that we are falling short in our ancestral sacrifices. (20.) For instance, last year sacrifices, belonging to those ordered in the tablets, amounting to three talents, remained unperformed. And it is not possible to say that the revenues of the city were not sufficient. For if he had not published (in his revision of the laws) more than for six talents there would have been sufficient for the ancestral sacrifices, and the city would have had a surplus of three talents. About that which has been said (by me) I shall bring forward witnesses to you.

WITNESSES.

(21.) Remember now, gentlemen of the jury, that when we offer sacrifices according to the agreement, all the ancestral offerings are made, but when (we offer sacrifices) according to the pillars, which he inscribed, many of the sacrifices are abolished. And yet that temple robber runs around, affirming that in his revision of the laws he was aiming at piety and not at cheapness; and if that does not please you, he tells you to erase it, and on these grounds he expects to persuade you, that he did no wrong,—he, who in two years caused an expenditure of more than twelve talents more than was necessary, and tried to inflict on the state a yearly fine of six talents,

(22,) and that, seeing that the state is in want of money and that the Lacedaemonians are threatening, if we do not return the money to them, and that the Boeotians are making reprisals on us because we could not pay them their two talents, and that the docks and walls are going to ruin, and knowing that the boule, in session for the time being does not go fail, so long it has sufficient money to meet the government expenditures, but, when it finds itself in want, is compelled to admit impeachments, and to confiscate the property of citizens and to listen to those of the speakers who say the most pernicious things. (23.) We should, now, not be angry at those who happen to be members of the boule, but at those who bring the state into such straits. Those who wish to steal the common property are anxiously watching how Nicomachus will fare on his trial; and you will make them very reckless, if you do not punish him, but if condemning him, you inflict the heaviest punishment on him, you will by the same vote render the others better, and you shall have obtained satisfaction from him. (24.) You know, gentlemen of the jury, that it will be a warning to the others not to dare to wrong you, not, when you punish those who are unable to speak, but when you exact punishment from those who are able to speak (in public.) Who is there now of those in the city, who deserves more to be punished than Nicomachus? Who has benefited the state less and has injured it more? (25.) He who being appointed to inscribe laws relating to our sacred duties towards our fellow men and towards the gods, did wrong as to both. Remember that you put to death many of the citizens on former occasions for theft. And yet those men injured you for the time being, but these men, who ac-

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