

CONTINUATION OF AGORATUS.

56. WHEN they had passed this vote Menestratus made his accusations and added the names of others of the citizens. The Thirty acquitted him, as they did Agoratus, as he seemed to inform the truth, but you long afterwards brought him into court as a murderer and, justly voting death for him, gave him over to the people, and he was beaten to death.

57. If he was put to death then Agoratus should justly be killed, as he was responsible for the death of Menestratus having accused him, and who is more to blame for those killed by Menestratus than he who put him in such a position?

58. He seems to me to be different from Aristophanes who was his bondsman, and who, having boats ready at Munchia, was willing to sail away with him. And at least as far as it depended upon him you were saved, neither having destroyed any of the Athenians nor being yourself put in any such danger.

59. But you had the audacity to accuse your deliverer, and having informed against him you put him to death and also your other bondsmen. As he was not a pure blooded Athenian citizen some wished him to be put to torture and induced the people to pass this decree.

60. After this, those who had the administration of affairs at that time, went to Aristophanes and begged him to make disclosures and be saved, and not be in danger of enduring the most extreme penalties, being tried for usurping the

rights of citizenship. But he declared he would never do it. Such an excellent man was he toward those imprisoned, and the people of Athens generally, that he preferred rather to die than unjustly inform against and put to death any of them.

61. That man killed by you was such a one, and Xenophon was tortured, and Hippias of Thasos. But you had nothing in common with all these men but you were persuaded that if they were put to death you would have a share in the government established, and you accused and put to death many good Athenians.

62. I wish to show you, Judges, of what sort of men you were robbed by Agoratus. If there were not many of them you should hear about them separately, but as it is, collectively. For some of them who had been your generals gave over the city to their successors in an improved condition. And some held other high offices and performed the duties of triarchs and never had any reproachful charge from you.

63. For some of them were saved and are present whom this one, as far as he could, put to death with cruelty (and indeed sentence of death was passed on them) but chance and providence saved them. For fleeing from here and not being taken nor awaiting their trial, they came from exile from Phylè and were honored by you as being brave men.

64. Of these men, I say, some Agoratus put to death, others he made exiles from here. But who was he? For you must know that he was a slave and the son of slaves, that you may understand what kind of a man persecuted you. His father was Eumares and Eumares was the slave of Nisokles and Antikles. And now witnesses take the stand.

65. Now, Judges, it would be a long task to enumerate the shameful and disgraceful things done by him and his

brothers. As regards his sycophancy, either how many private suits he brought by false accusation or how many prosecutions or dispositions he made, it is not necessary for me to say in detail. For you all together in the assembly, and in the court, convicted him of sycophancy, and he was fined ten thousand drachmae.

66. This has been sufficiently proved by you all. A man of this sort he endeavored to seduce and betray the free born wives of the citizens, and he was taken in adultery. Death is the punishment for this. That I am speaking the truth call up the witnesses.

67. Judges, there were four brothers: The eldest having been taken in the act of making treasonable signals to the enemy by Lamarchus of Sicily, was beaten to death. The second abducted a female slave in Corinth from a woman of the place, and, being taken and put in prison, was put to death.

68. The third, Phainippides, arrested as a thief, and you being his judges and passing death sentence on him, gave him to be beaten to death. I think he will admit that what I say is true, and we have witnesses.

69. Why, then, is it not proper for you all to convict this man? For if each of them was worthy of death for one crime, surely, since he has committed many offences, both publicly against the State and privately against you, for all of which crimes the penalty is death in our laws, you must condemn him to death.

70. Judges, he will assert and try to take you in [pretending] that he killed Phrynichus in the time of the Four Hundred; and he says the people made him an Athenian on account of this. But he lies, Judges; for he neither killed Phrynichus, nor did the people make him an Athenian.

71. For, Judges, Thrasybulus of Calydon and Apollodo-

rus of Megara conspired against Phrynichus. When they came up to him as he was walking, Thrasybulus struck Phrynichus and felled him with a blow, but Apollodorus did not even lay hands upon him. Then a shout was raised, and they set off to escape. But Agoratus was neither called in to help nor did he know anything of the deed. This vote will make it plain to you that I tell the truth.

72. That he did not slay Phrynichus is plain from this decree. For nowhere is it that Agoratus is an Athenian as it is that Thrasybulus and Appollodorus are. If he did kill Phrynichus his having been made an Athenian ought to be on the very same pillar as Thrasybulus and Apollodorus by giving money to the orator they get their own names inscribed on the pillars as being doers of good. And this decree will convince you that I speak the truth.

73. So much does this one despise you that, not being an Athenian, he served on the jury and in the assembly, and brought all manner of indictments having himself enrolled as an Athenian. Phrynichus established the Four Hundred, but when he was put to death many of the Four Hundred fled.

74. Do you think, therefore, that the Thirty and the senate, which was in session under the administration of the Thirty, all of whom were of the Four Hundred exiles, if they had captured the man who killed Phrynichus, would have let him go or punished him on account of the exile to which they were subjected? I think they would have punished him.

75. If, on the one hand, he pretends to have killed him though he did not, he is, as I say, guilty. But if you deny it and say that you did kill Phrynichus, it is plain that by doing greater evils to the Athenians you purged yourself to the Thirty of the charge concerning Phrynichus. For you

can never persuade any man that, having killed Phrynichus, you were let off by the Thirty, unless you did great and incurable wrongs to the people of Athens.

76. If, therefore, he asserts that he killed Phrynichus, bear these things in mind and take vengeance for what he has done. But if he says he did not, ask him on what account he says he became an Athenian. If he can not show how, punish him because he acted as a juror and served in the assembly and accused many falsely, having his name enrolled as an Athenian.

77. I hear that he will allege in defence that he went to Phylè and came back from Phylè with the rest, and this is his strongest plea. This was the fact. He went to Phylè. And how could there be a greater wretch than he who, knowing that there were many at Phylè whom he himself had banished, dared to go there to them?

78. As soon as they saw him they seized him and took him to kill him at the same place where they put others to death, whenever they caught any robber or criminal. But Anytus said that they must not do this, telling them they were not in a condition to take vengeance on some of their enemies but must now keep the peace, and if they ever returned home then they would punish those who had done them injury.

79. Saying this, he became responsible for this one's escape at Phylè. And they were obliged to obey a general if they were to be saved. But more than this: no one would receive him as a messmate or be his tent companion, nor would the taxiarch give him a place in his line, but as if he were accused no man would speak to him. And call the taxiarch to me.

80. When the assemblies were held with each other and the citizens from Piræus made a procession into the city,

Aesinus was the leader of the citizens, and so audacious was this one that he also was there. Having taken arms he accompanied them and took his place in the procession with the citizens to the city.

81. When they reached the gates and halted before going into the city, Aesinus saw him and went to him and seized and flung down his shield and told him to go to the crows away from the citizens. For he declared that a murderer should not proceed in the procession to Athens. Thus was he dismissed by Aesinus. That I tell the truth, call up my witnesses.

82. This was the relation, Judges, in which he stood to the citizens at Phylè and the Piræus. For no one spoke to him because he was a murderer, and Anytus is responsible for his now being alive. If, therefore, he alleges in defence that he was on the way to Phylè, he must answer whether Anytus was responsible for his not being killed when they were ready to punish him, and whether Aesinus took away his shield and would not let him join the citizens in the procession, and whether any taxiarch enrolled him on his list.

83. Thus you should neither receive this excuse from him, nor if he says he is punished a long while after the crime. For I do not think there is any limited period for such an offence; but I do think if anybody is punished, either immediately or after a long time, he must show that he did not do the things of which he is accused.

84. Let him prove this: either that he did not kill these men, or that he did it justly as they did some wrong to the people of Athens. And if we punish him a long time after he should have been punished, he gains the time he has lived which did not belong to him, and the men were killed by him just the same.

85. But I understand that he lays great stress upon the

fact that he was indicted by Apagoge as taken in the act. I think that is the most foolish thing of all. As if he would have been liable to Apagoge if it had not been added "taken in the act!" But as this has been added he thinks there will be some relief for him. But this is the same as allowing that he put the men to death but was not taken in the act; and he relies a great deal on this, as if he must be saved because he killed the men but was not taken in the act.

86. The Eleven who served this Apagoge seem to me not to have thought they were then sharing in the same deeds with Agoratus, and believing that they were acting rightly, forced Dionysius to bring in Apagoge, and then added "taken in the act." First, then, having informed against some in the presence of the Five Hundred in the senate, and then of the whole body of Athenians in the assembly, he slew some and became responsible for their death.

87. For he does not think this alone is "taken in the act," but if any one struck a man with a club or sword and knocked him down, since by your argument no one appears to have slain the men whom you deposed. For no one either knocked them down or killed them, yet they were forced to death by your accusation. Therefore is he, who is the author of their death, not "taken in the very act"? For who else was the author, if not you who deposed them? So, then, in what way are you not their murderer, taken in the very act?

88. I understand that he will talk of oaths and agreements; that he is on trial in violation of the oaths and compacts which we in the Piræus confirmed with those in the city. Accordingly, putting so much trust in these things, he confesses he is a murderer. So he puts something in the way, either oaths or compacts or "taken in

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