

DIOGITON.

(1.) If the issues were not great, gentlemen of the jury, I would never have allowed these to appear before you, thinking it to be most disgraceful to quarrel with one's relatives, and knowing that not only those, guilty of some wrong, are thought by you to be knaves, but also those who cannot (silently) suffer to be taken at a disadvantage by their relatives. Since, however, gentlemen of the jury, they have been robbed of much money and, (since), having suffered much and terribly by those by whom they ought (to have suffered) least of all, they fled to me, being their brother-in-law, it has become necessary for me to plead in their behalf.

(2.) I am married to their sister, the granddaughter of Diogiton, and asking both (parties) many times I persuaded them, at first, to entrust the settlement (of their differences) to their friends, considering it of importance that no one else (*i.e.* no outsider) should know their affairs. But since Diogiton did not undertake to persuade any one of his own friends concerning the money, which he clearly was convicted of having, but was determined, both, to stand lawsuits and to bring suit to set aside his default, and to run the greatest risks rather than (by,) doing what was just, to get rid of the charges on the part of these,— (3,) I ask of you, if I (shall) show them to have been so shamefully treated by their grandfather, in his capacity as guardian, as no one ever (was treated) in (this) city by those, no way related to him,—(I ask

of you,) to come to their assistance in what is just, but if (I do) not (show this), to believe him in everything, and in the future to consider us to be knaves. I shall endeavor to inform you about them (*i. e.* their affairs) from the beginning.

(4.) There were (two) brothers, gentlemen of the jury, Diodotus and Diogiton, children of one father and one mother, and they divided the personal property, but shared in the real estate. When Diodotus had made much money in business, Diogiton persuades him to marry his daughter, who was his only child; and he (*i. e.* Diodotus) begets two sons and a daughter.

(5.) Some time afterwards, Diodotus, enrolled with Thrasyllus among the hoplites (*i. e.* enrolled as a hoplite to serve under Thrasyllus), having called his own wife, who was his niece, and her father, who was his father-in-law and his brother, and grandfather of the children and their uncle, thinking that on account of these relationships to no one it would be more fitting to prove himself just towards his children,—he gives him his will and a deposit of five silver talents. (6.) And he showed seven talents and forty minae to be lent on bottomry, and two thousand (drachmæ) loaned in the Chersonese; and he enjoined, that, if anything should happen to him, he (Diogiton) should give to his wife (as a dowry) a talent and the furniture of the house, and a talent to his daughter. Besides he left for his wife twenty minae and thirty Cyzicene staters. (7.) Having done this and having left at home copies, he departed to join the expedition under Thrasyllus. And when he had died in Ephesus, Diogiton concealed the death of her husband from his daughter, and seizes the documents, which he had left behind, sealed, saying that the money

lent on bottomry should be collected by means of those documents. (8.) And when, some time afterwards, he made known to them the death (of Diodotus) and they had performed the customary (rites), they lived during the first year in the Piraeus, for all their necessities of life were left there; but, when these began to fail, he sends the children to the city, but he gave their mother in marriage, bestowing on her (as a dowry) five thousand drachmae,—one thousand less than her husband had given her. (9.) In the eighth year after this, when the oldest of the two boys had passed his examination (for admission to citizenship), Diogiton, having called them, said that their father had left them twenty minae of silver and thirty staters. “Now, I have spent a great deal of my own for your support; and as long as I had it, it did not make any difference to me; but now, I myself, am in difficult circumstances. You, therefore, now that you have come of age and have become a man, look out for yourself, whence you shall obtain the necessities of life.” (10.) Having heard this, greatly taken back and crying they went off to their mother, and taking her along, came to me, being in a pitiable plight on account of this incident, and wretchedly turned out of doors, crying and calling on me not to allow that they should be robbed of their paternal inheritance (lit. : not to overlook them, being robbed of) nor (to allow) that they should be brought to poverty, outrageously treated by those, by whom least of all they ought (to have been thus treated), but (calling on me) to come to their assistance for their sister's sake and for their own sake.

(11.) It would be a long story to tell how much sorrow there was in my house at that time. Finally their mother entreated and besought me to bring together

her father and his friends, saying that, even if she had not been accustomed before to speak among men, the extent of their calamities would compel her to reveal everything concerning their misfortunes to us. (12.) And I going to Hegemon, who had married his (Diogiton's) daughter, told him of our grievances, and I spoke to others, interested (in this) and I demanded (from Diogiton) that he should submit to an investigation. Diogiton at first was unwilling, but finally he was compelled by his friends. And when we had come to gether the woman asked him, with what feelings he showed such a disposition towards her children, "being the brother of their father, and my father and their uncle and grandfather." (13.) "And even if you are not ashamed before any man," she said, "you ought to fear the gods for you received, when he sailed out, five talents from him, as a deposit. And concerning these things, I am willing to take an oath, placing by my side my children, both these, and those born to me afterwards (*i.e.* in her oath she will imprecate her children of her first and second marriage), at whatever place he says. And yet I am not so wretched, nor do I care so much for money, as (to wish) to end my life, after having sworn falsely and imprecating my own children, and so as (to wish) to take away unjustly the property of my father." (14.) Besides she proved that he had collected seven talents lent on bottomry and four thousand drachmae, and she showed the documents pertaining to this (money). For, (she said) that, in moving, when from Collytus he moved to the house of Phaedrus, the children had come upon an account book, that had been thrown away, and had brought it to her. (15.) She showed that he had collected a hundred minae, loaned

out on a real estate mortgage, and in addition to this two thousand drachmae, and furniture worth much, and (she said) that foodstuffs used to come in every year, from the Chersonese. "And then you dared," she said, "to say, while holding so much money, that their father left two thousand drachmae and thirty staters, which having been left to me, I gave to you, when he had died? (16.) And you thought it right, to turn these, being the children of your daughter, out of their own house, lightly clad, without shoes, without attendant, without beds, without clothing, without the furniture, which their father left them, without the deposits which he deposited with you. (17.) And now you educate the children of my stepmother, with a great outlay of money as being wealthy, and in this you act aright; but you wrong my children, whom, turning out of their house, deprived of their rights, you wish to render beggars instead of rich. And with (*i. e.* on account of) such deeds you neither fear the gods, nor are you ashamed before me, who am in your secret, nor do you remember your brother, but you hold us all of less importance than money."

(18.) And at that time, gentlemen of the jury, when many terrible accusations had been made by the woman, all of us, who were present, were thus moved by the things done by him and by her words, seeing the children, what kind of treatment they had suffered and remembering the dead one, how unworthy a guardian of his property he had left behind, and considering how hard (it is) to find one, in whom one can trust concerning one's own kin, so that, gentlemen of the jury, no one could speak, of those present, but weeping not less than the sufferers, (all) left and went

their way in silence. And now, let the witnesses first come forward.

WITNESSES.

(19.) I ask (you), gentlemen of the jury, to give your attention to the accounts (of the guardian) in order that you may pity the boys on account of the magnitude of the calamities, and (in order that) you may consider him deserving of the anger of all citizens. For Diogiton places all men in (a position of) so great suspicion towards one another, so that (people) neither while living nor being dead, trust their nearest kin any more than their worst enemies. (20.) For he dared at first to deny (everything), but afterwards having acknowledged to have (received the money) (he dared) to show (in his accounts) seven talents of silver and four thousand drachmae, as receipts and expenditure on two boys and their sister in eight years. And he went to such a pitch of impudence that, not having (*i.e.* knowing) under what heads to set the (sums of) money, he set down for provisions for two little boys and their sister five obols a day, and for shoes and clothing, and the fuller, and the barber it had not been written out by him either by the month or the year, but in a lump sum of the whole time, more than a talent of silver. (21.) And having expended on the monument of their father not (fully) twenty-five minae out of the five thousand drachmae (which he claimed to have expended), he set down half (of the five thousand drachmae) to himself, and the other half he set down to their account. Again, for the Dionysiac festival, gentlemen of the jury,—for it does not seem to me out of place to make mention also of this,—he entered (in

his books) a lamb bought for sixteen drachmae, and of this he set down eight drachmae for the boys; on account of which we were angered not least. Thus, gentlemen of the jury, in great losses sometimes little things hurt the wronged ones not less (than important things); for they show too plainly the baseness of the wrong-doers. (22.) And for the other festivals and offerings he set down to their account, (as) having been expended, more than four thousand drachmae, and other things to a vast amount, which he summed up to (complete) the sum total, as if he had been left (as) guardian of the children for this reason that he might show them accounts instead of money and make them very poor instead of rich, and in order that, if they had some hereditary enemy, they might forget him, but, bereft of their paternal inheritance, might contend with their guardian. (23.) And yet, if he had intended to be just towards the children, it would have been possible for him, according to the laws, which have been laid down, concerning orphans, both for the physically infirm and the physically sound guardians, to farm out the estate, getting rid of much trouble, or, buying land, support the children from the income; and whichever of these (proceedings) he would have done, they would have been less rich than no one of the Athenians. But, as it is, he seems to me never to have thought of turning the property into real estate, but only of holding himself what belonged to them, thinking that his own baseness ought to be an heir of the dead man's money. (24.) But what is most illegal of all (things he did), gentlemen of the jury: he, when appointed as a trierarch with Alexis the son of Aristodicus, claiming that he had contributed forty-eight

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