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The δῖαιτηταιs1F77 .—Ch. 53 (last line but six).

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μονίαν. This is said of the Areopagus to contrast it with the Thirty (cp. p. 93, 9 *sqq.* and Isocr. Areop. § 67) and also with the Four Hundred (p. 80 *sqq.*).

P. 71, 7. τοὺς ἀφαιρεθέντας τῆς βουλῆς. Not 'the persons despatched by the Areopagus,' but 'the members of the Council of the Areopagus selected and set apart for the purpose': cp. Aristot. Hist. An. 6, 22, 576b, 23 ὅρα δ' οὐκ ἀφαιρείται οὐδεμία τεταγμένη τοῦ ὀχέεσθαι καὶ ὀχεύειν.

P. 85, last line. πρῶτον μὲν ἱερῶν κ.τ.λ. Cp. p. 113 top, and Aeschin. c. Timarch. c. 23.

P. 93, last line but one. ἐκ προκρίτων ἐκ τῶν χιλίων, 'from persons selected out of the thousand,' if the text is correct. The 'thousand' were probably the Knights: cp. Philochorus, Fragm. 100, Hesych. ἱππῆς, ἱππέϊς.

ἀλλ' εἰσὶν ἱππῆς ἄνδρες ἀγαθοὶ χίλιοι.

Σύστημα πολεμικῶν ἀνδρῶν χιλίων ἵππους τρεφόντων, and see Gilbert, Gr. Staatsalt. 1, 305.

P. 95, 12. ὑπεξαυρούμενοί τε τὸν φόβον. Does not τὸν φόβον here mean 'the object of terror'? See Liddell and Scott for this use of the word.

P. 111, 6. The use of μὲν οὖν here seems quite regular: see the Index Aristotelicus, p. 540b, 42, where Poet. 22, 1458a, 23 *sqq.* is referred to among other passages.

P. 135, 3. πολιτείας, not 'public measures in general,' but, as Prof. L. Campbell has already pointed out, 'citizenships' or 'grants of citizenship': cp. Dittenberger, Syll. Inscr. Gr. No. 134, ἀναγράψαι δὲ αὐτῶι τῇμ πολιτείαν εἰς τὸ ἱερὸν τῆς Ἀρτέμιδος, οὗ καὶ αἱ λοιπαὶ πολιτε[ῖαι ἀν]αγεγραμμέναι εἰσὶν, and No. 315, καὶ ἀναγράψαι ὅπου καὶ αἱ λοιπαὶ πολιτεῖαι ἀναγεγραμμέναι εἰσὶ.

W. L. NEWMAN.

THE ΔΙΑΙΤΗΤΑΪ.

ἔστιν δὲ καὶ εἰσαγγέλλειν εἰς τοὺς δικαστὰς εἴαν τις ἀδικῇ ὑπὸ τοῦ διαιτητοῦ, κἄν τινος καταγνώσιν ἀτιμῶσθαι κελεύουσιν οἱ νόμοι. ἔφεσις δ' ἐστὶ καὶ τούτοις.—Ch. 53 (last line but six).

To read δικαστὰς for the MS. διαιτητὰς introduces a serious difficulty. Before whom is the ἔφεσις or appeal to be brought? It would naturally be tried by a δικαστήριον: so that there is an appeal, on the same issue, from δικασταὶ to δικασταί!

'διαιτητάς' is a remarkable confirmation of the view taken by Bergk of a difficult passage in Demosthenes' speech against Midias (89 f. p. 542). Strato of Phalerum acting as a διαιτητής had given a verdict against Midias. Midias waited for the last day on which the Arbitrators sat, a day on which attendance was casual (ὁ μὲν ἦλθε τῶν διαιτητῶν, ὁ δὲ οὐκ ἦλθε), and 'induced the president to allow an altogether illegal vote,' by which Strato was expelled and disfranchised. Bergk was the first to see what this implies—that the διαιτηταί formed a college, and that complaints against an individual διαιτητής could be brought before the διαιτηταί collectively. (*Zeitschr. f. Alterthumswiss.* 1849. See Meier and Schömann, *Attische Process* p. 333-334). Demosthenes speaks

of Strato's disfranchisement in terms which suggest that it was final. But this may be a rhetorical exaggeration: or perhaps Strato had appealed to a δικαστήριον and lost his case. (It has been suggested that τοῦτ' ἐχαρίσασθε αὐτῶι in § 91 implies this, but the inference is uncertain.)

Bergk proposed to emend the passage in Harpocration which Mr. Kenyon quotes:—(s.v. εἰσαγγελία: ἄλλη δ' εἰσαγγελία ἐστὶ κατὰ τῶν διαιτητῶν· εἰ γάρ τις ὑπὸ διαιτητοῦ ἀδικηθείη, ἐξῆν τοῦτον εἰσαγγέλλειν πρὸς τοὺς δικαστὰς, καὶ ἀλοῦς ἡγμῶντο). Mr. Kenyon's own procedure shows that an editor would be tempted to alter διαιτητάς into δικαστάς. But it is also possible that Harpocration has condensed and confused the process, mentioning only the tribunal by which the ἀτιμία was finally ratified.

This procedure is to be distinguished from a mere appeal against the decision of an Arbitrator. A case tried by a (public) Arbitrator could always be referred to the higher tribunal of a δικαστήριον. But if the Arbitrator was suspected of having given a fraudulent or dishonest verdict, he could be arraigned before his colleagues and disfranchised, in which case he might appeal to a δικαστήριον.

W. R. HARDIE.